







MASS PS20, 2= In 1

EDWARD W. CONNELLY CRIMINAL JUSTICE TRAINING CENTER

AT

AGAWAM

IN SERVICE TRAINING FOR SUPERVISORS

University or Wassichusotts

Depository Copy

STUDENT MANUAL

SWEEMBER 1988 TO JUNE 1989



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MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL

EDWARD W. CONNELLY CRIMINAL JUSTICE TRAINING CENTER

IN SERVICE TRAINING

STUDENT RULES AND REGULATIONS

RULE # 1 APPEARANCE

- 1-1 Students shall be well groomed in keeping with department standards.
- 1-2 Students shall wear their department authorized uniforms at all times. The student's sidearm and duty belt are optional unless they are required for training or are required by department regulations.

RULE # 2 BEHAVIORAL STANDARDS

- 2-1 INTEGRITY the student's integrity must be unquestioned and of the highest degree. Students must be truthful at all times and any form of cheating in academic work is cause for immediate dismissal.
- 2-2 SENSITIVITY Students are expected to be sensitive to, and have tolerance for the concerns, opinions, and backgrounds of others, whether students or instructors. Students are expected to be sensitive to racial and ethnic backgrounds of others with whom they have contact, whether in the field or in the classroom.
- 2-3 EFFORT Students are expected to apply themselves at their maximum effort at all times. They are to seek the achievement of excellence in all they do, whether academically, physically or practically.
- 2-4 MANNER Students are expected to conduct themselves in a professional manner -- with decorum -- at all times, whether in the classroom or on a field assignment.
- 2-5 <u>INQUISITIVENESS</u> Students are to seek knowledge of things they do not know about. Questioning instructors is encouraged, so long as the students conducts him/herself in a respectful and sensitive manner.
- 2-6 ABILITY TO FOLLOW ORDERS Students are expected to respond



immediately to instructions and directions or instructors and training center staff. Students will be held accountable for their action or lack of action when a direction is given. Students are expected to adhere to a normal chain of command at all times. they are expected to adhere to their department's rules and regulations, those of the Massachusetts Criminal Justice Training Council, and any additional regulations promulgated by the in service academy.

- 2-7 SMOKING SMOKING IS ONLY ALLOWED IN ROOM 108, WHICH HAS BEEN AS A LOUNGE.
- 2-8 <u>BEVERAGES/FOOD</u> Food and beverages shall not be consumed during classroom instruction. Room 108 has been designated as a lounge.
- 2-9 <u>SUNGLASSES</u> No sunglasses shall be worn in the classroom. Tinted prescription glasses may be worn in the classroom provided that the student verifies the necessity of such glasses by medical evidence.
- 2-10 ALCOHOL/DRUGS While on duty at the academy, or while on scheduled academy activity, no student will use or possess alcohol in any form. Nor shall a student use, or be found in possession of any controlled substance as defined in G.L. c. 94C, Sec. 31. Violation of this regulation shall be grounds for immediate dismissal from the in service program and subject the violator to departmental disciplinary action.

RULE # 3 MEDICAL & PHYSICAL

- 3-1 All students are required upon entry to inform the academy director if they are using any form of medication and the necessity for it.
- 3-2 All students are required to report immediately any injury or illness.
- 3-3 the academy director/program coordinator may dismiss a student for a class segment if he/she has reason to believe that the student's physical condition is such that the student cannot satisfactorily participate in the required class exercise. The academy director/program coordinator shall notify the student's department of any such dismissal.

RULE # 4 ATTENDANCE

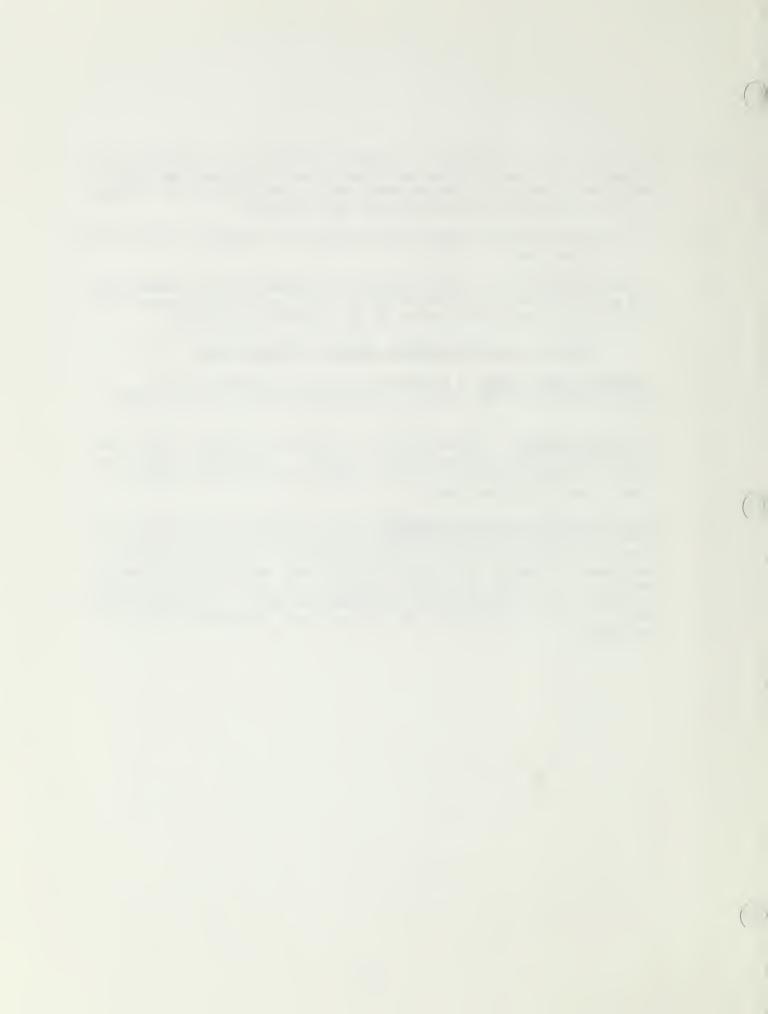
4-1 The hours of the in service program shall be from 9:00 A.M. to 4:00 P.M. with one hour for lunch. Reserve officer programs run from 7:00 P.M. to 10:00 P.M.



- 4-2 In the event of sickness, or other reason for an absence, the student shall notify his/her department in accordance with department policy. The student shall also notify the academy director/program coordinator of the absence.
- 4-3 The training center staff will notify the student's department of all absences.
- 4-4 To be eligible for a certificate of completion all absences and academic deficiencies must be made up within ninety (90) days of the completion date of the program attended.

RULE # 5 MISCELLANEOUS ACADEMY REGULATIONS

- 5-1 <u>ADMINISTRATION AREA</u> Students are not allowed in the administration area unless given permission by the academy staff.
- 5-2 RECRUIT ACADEMY Students shall avoid any contact with the police and county corrections recruits. Students should be aware of their presence while going to and coming from the lounge and restroom area.
- USE OF TELEPHONES AND MESSAGES Any Student wishing to use the training center telephones must first receive permission from the academy staff. Academy phones are restricted to business use only, and any long distance calls must be made collect or charged to another phone. All non-emergency phone messages will be posted on the message board. Training center staff is not responsible for making sure students receive messages.



MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL EDWARD W. CONNELLY CRIMINAL JUSTICE TRAINING CENTER AT AGAWAM IN SERVICE TRAINING

STUDENT RULES AND REGULATIONS

STATEMENT OF COMPLIANCE

I HAVE READ THE STUDENT RULES AND REGULATIONS FOR THE EDWARD W. CONNELLY CRIMINAL JUSTICE TRAINING CENTER'S IN SERVICE TRAINING PROGRAM AND AGREE TO ABIDE BY THEM.

| Student's signature | Date | |
|-------------------------------|------|--|
| | | |
| Student's typed or printed na | me | |

5



PROGRAM OVERVIEW

<u>AUTO THEFT</u>: A one half day program designed to make the students aware of the auto theft problem in the commonwealth together with effective enforcement techniques.

HAZARDOUS MATERIALS: A one half day program designed to make the students aware of the potential risks involved with hazardous material incidents, including motor vehicle and truck accidents. The program will stress proper safety precautions police officers should follow while responding to and handling such an incident.

OFFICER SURVIVAL: A one half day program which is part of our continuing officer survival series. This year's program will focus on responding to hazardous calls.

RESPONSE TO SPECIAL PROBLEMS: A one half day program designed to make the students aware of the special police problems and responsibilities in dealing with missing persons, alzheimer disease patients, and AIDS victims.

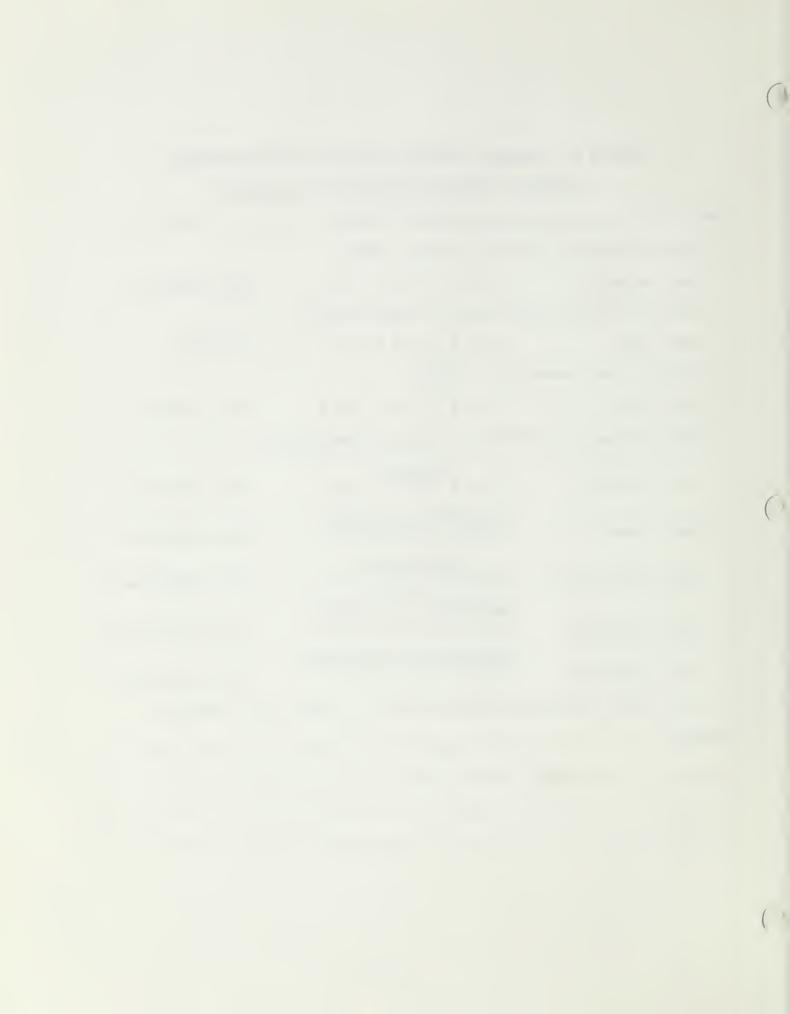
LEGAL UPDATE: A one and one half day program designed to update the student in the latest judicial and legislative changes in the areas of criminal procedure, criminal law, and motor vehicle law.

PERFORMANCE APPRAISAL: A one half day program designed to make supervisors aware or the importance of conducting performance evaluations, together with appropriate evluation techniques.

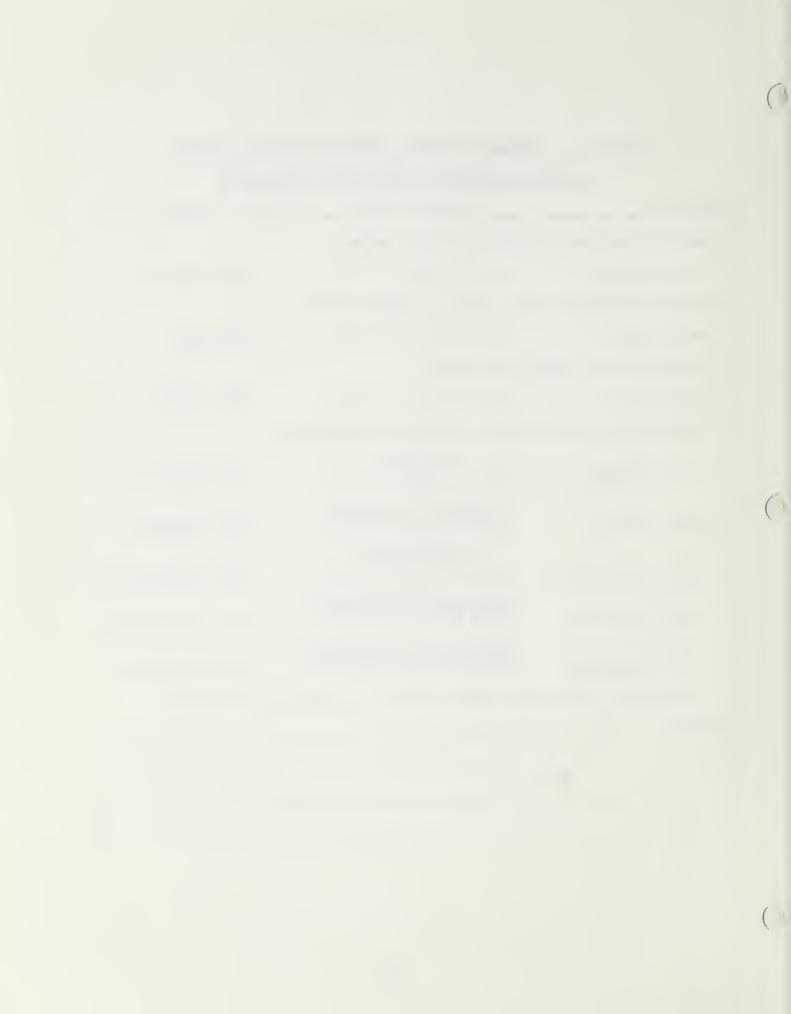
<u>OUI ENFORCEMENT</u>: A one half day program designed to review appropriate OUI enforcement techniques, including detection, gathering probable cause, field sobriety testing, arrest decision making, and statutory rights.



| Ins | structor | Session Title | Date |
|-----|----------------------|--|------------------|
| 1. | Was the Session rele | evant to your needs? | |
| | Very relevant | 10 9 8 7 6 5 4 3 2 1 | Not Relevant |
| 2. | Was the subject mate | ter easy to understand? | |
| | Very clear | 10 9 8 7 6 5 4 3 2 1 | Unclear |
| 3. | Did you learn someth | ning useful? | |
| | Very useful | 10 9 8 7 6 5 4 3 2 1 | Not useful |
| 4. | Please rate the fol | lowing instructor qualities: | |
| | Well prepared | PREPARED | Not prepared |
| | Good Command | COMMAND OF SUBJECT 10 9 8 7 6 5 4 3 2 1 | Poor command |
| | Very enthusiastic | ENTHUSIASTIC 10 9 8 7 6 5 4 3 2 1 | Not enthusiastic |
| | Very interested | INTERESTED IN STUDENTS 10 9 8 7 6 5 4 3 2 1 | Very interested |
| | | RESPONSIVE TO QUESTIONS 10 9 8 7 6 5 4 3 2 1 | Not Responsive |
| 5. | Did session adequat | ely cover topic?yes | no (explain) |
| CO | MMENTS: | | |
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| Instructor | Session Title | Date | | |
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| | Very enthusiastic | ENTHUSIASTIC 10 9 8 7 6 5 4 3 2 1 | Not enthusiastic |
| | Very interested | INTERESTED IN STUDENTS 10 9 8 7 6 5 4 3 2 1 | Very interested |
| | Very responsive | RESPONSIVE TO QUESTIONS 10 9 8 7 6 5 4 3 2 1 | Not Responsive |
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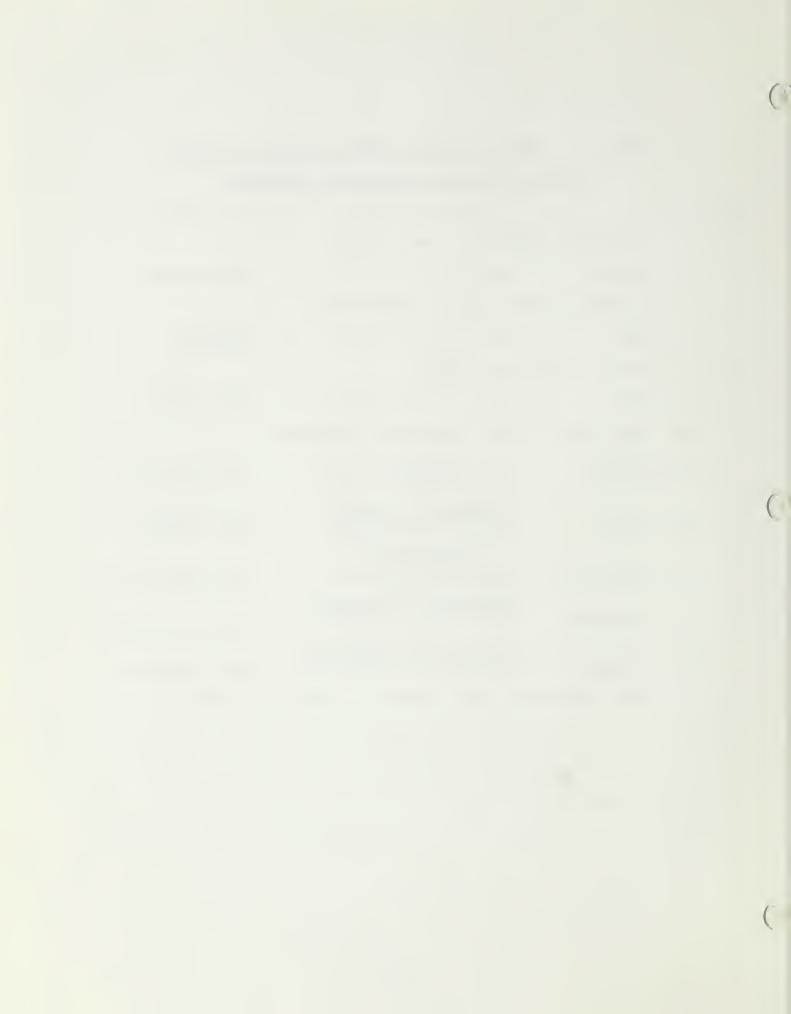


| Ins | structor | Session Title | Date |
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| 2. | Was the subject matter | easy to understand? | |
| | Very clear | 9 8 7 6 5 4 3 2 1 | Unclear |
| 3. | Did you learn something | g useful? | |
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| | | TERESTED IN STUDENTS | |
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EDWARD W. CONNELLY CRIMINAL JUSTICE TRAINING CENTER IN SERVICE TRAINING INSTRUCTOR EVALUATION

| Instructor | Session Title | Date | |
|--------------------------|----------------------------|------------------|--|
| 1. Was the Ssession rele | vant to your needs? | | |
| Very relevant | 10 9 8 7 6 5 4 3 2 1 | Not Relevant | |
| 2. Was the subject matte | r easy to understand? | | |
| Very clear | 10,9'8 7 6 5 4 3 2 1 | Unclear | |
| 3. Did you learn somethi | ng useful? | · - · | |
| Very useful | 10 9 8 7 6 5 4 3 2 1 | Not useful | |
| 4. Please rate the follo | wing instructor qualities: | | |
| | PREPARED | | |
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| | COMMAND OF SUBJECT | | |
| Good Command | 10 9 8 7 6 5 4 3 2 1 | Poor command | |
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| Very enthusiastic | 10 9 8 7 6 5 4 3 2 1 | Not enthusiastic | |
| | NTERESTED IN STUDENTS | | |
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| | ESPONSIVE TO QUESTIONS | Mak Danasa in | |
| very responsive. | 10 9 8 7 6 5 4 3 2 1 | Not Responsive | |
| 5. Did session adequatel | y cover topic?yesn | o (explain) | |
| COMMENTS: | | | |
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| Instructor | Session Title | Date |
|-------------------------|--|------------------|
| 1. Was the Ssession rel | evant to your needs? | |
| Very relevant | 10 9 8 7 6 5 4 3 2 1 | Not Relevant |
| 2. Was the subject matt | er easy to understand? | · |
| . Very clear | 10 9 8 7 6 5 4 3 2 1 | Unclear |
| 3. Did you learn someth | ing useful? | |
| Very useful | 10 9 8 7 6 5 4 3 2 1 | Not useful |
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| Well prepared | PREPARED 10 9 8 7 6 5 4 3 2 1 | Not prepared |
| Good Command | COMMAND OF SUBJECT 10 9 8 7 6 5 4 3 2 1 | Poor command |
| Very enthusiastic | ENTHUSIASTIC 10 9 8 7 6 5 4 3 2 1 | Not enthusiastic |
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| Instructor | Session Title | Date |
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| CONNELLY TRAINING | CENTER. DATE O | F PROG |
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MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL IN-SERVICE TRAINING PROGRAM EVALUATION

| 1. | WHAT IS YOUR OVERALL EVALUATION OF THIS TRAINING? | | | |
|----|---|---|-------------------|--|
| | VERY STRONG_ | STRONG MODERATE | FAIRPOOR | |
| | PLEASE RATE INSTRUCTOR QU | JALITIES . | | |
| 2. | TOPIC | INSTRUCTOR | | |
| | WELL PREPARED | 10 9 8 7 6 5 4 3 2 1 | NOT PREPARED | |
| | VERY KNOWLEDGEABLE | 10 9 8 7 6 5 4 3 2 1 | LIMITED KNOWLEDGE | |
| | VERY ENTHUSIASTIC | 10 9 8 7 6 5 4 3 2 1 | NOT ENTHUSIASTIC | |
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| 3. | TOPIC | INSTRUCTOR . | | |
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| 4. | TOPIC | INSTRUCTOR | | |
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| 6. | TOPIC | INSTRUCTOR | | |
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| TOP: WELL VER COM | IC L PREPARED Y KNOWLEDGEABLE Y ENTHUSIASTIC MENTS: WERE YOU TREAT | TED B | 9 9 | 8 | 7 | 6 | 5 5 5 NG | 4 4 4 CEN | 3 3 3 | 2 2 | 1 1 1 | LIMITED KNOWLEDGE NOT ENTHUSIASTIC |
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AUTO THEFT

PURPOSE The purpose of this course is to enhance the knowledge of a police officer when identifying and documenting facts on stolen motor vehicles. In addition, to providing the officer with information which will be needed to prepare for trial.

I. Introduction to Auto Theft

- A. law enforcement
- B. economic effects

II. Auto Theft Catagories

- A. non- professional
- B. professional

III. Vehicle Identification Number

- A. definition
- B. history
- C. standardization
- . l. number of digits
 - 2. products
- D. breakdown and identification key
- E. use in stolen checks

IV. Types of Motor Vehicles Stolen

- A. non-titled
- B. market availability
- C. role of salvaged motor vehicles

V. Documentation

- A. VIN
- B. registration

VI. Physical Examination of Motor Vehicle

- A. registration form
- B. physical defects
- C. circumstantial evidence
- D. inventory
- E. rivets

VII. Methods of Attachments

- A. standardization
- B. methods of inspection
- C. pop rivets
 - l. types
 - 2. regulation by law

ccn't

- 3. characteristics
- 4. street application
- D. non-factory securing

VIII. Physical Characteristics of a Stolen Motor Vehicle

- A. area
- B. residual indicators

IX. Report Writing .

- A. topic isolation
- B. statements
- C. circumstantial evidence
- D. time sequences
- E. proof of prior knowledge F. explanation of number systems
- G. reference to expert examination
- H. incorporation of follow-up results

Χ. Preparation for Irial

- A. common defenses
- B. prior knowledge
- C. document explanation and presentation
- D. weight of photographic evidence
- E. vehicle value
- F. inconsistent prior statements
- G. background documentation
- H. expert testimony
- I. preservation of physical evidence
- J. isolated topic presentation
- K. chronology of events
- L. prior auto theft involvement

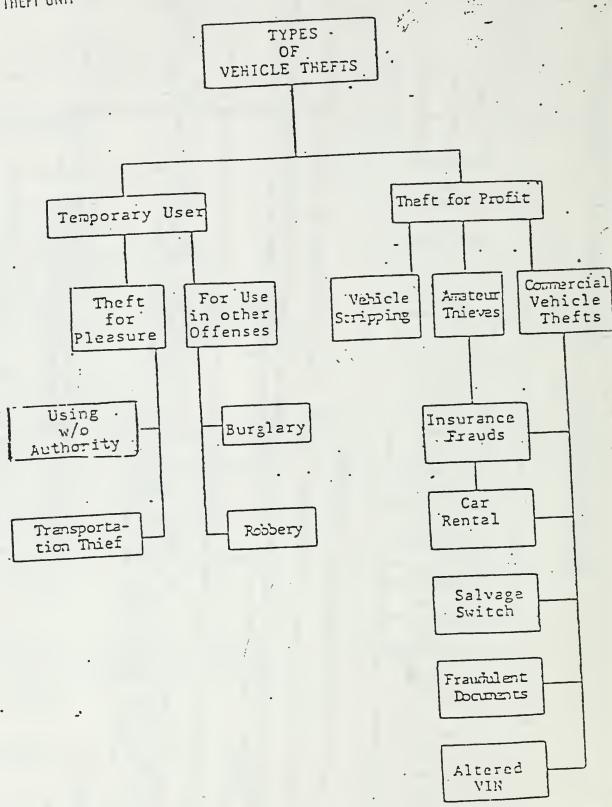
Prepared by: Officer's John Rock and John Reiley, M.D.C. Police Dept.

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Registry of Motor Volides 100 Nushum Street, Boston DISA

AUTO THEFT UNIT



Relationship of Various Types of Vehicle Thefts

REFERRAL FOR SPECIAL THEFT-FRAUD INVESTIGATIONS

A combination of circumstances involving certain claims should suggest further investigation prior to claim settlement. All referrals by companies for special investigation should be reviewed and approved by an individual in a supervisory capacity. Such referrals should be made in writing to the manager of the division where the investigation will occur. In the event time is of the essence, this writing can be preceded by telephone contact with NATB, which will permit initiation of the investigation more expeditiously. Sufficient review of the claim file must be made, and all pertinent facts and documentation contained therein should be furnished to NATB at the time of written referral for special investigation.

Some circumstances which could indicate fraud are below.

The involvement of late-model, expensive vehicles.

The date of coverage and the date of claim closely related.

The insured furnishes address or phone number of a bar, hotel, or motel as a place to be contacted by claims adjuster.

The insured returns proof of loss or other written communication in person to avoid mailing in violation of mail fraud laws.

The insurance agent has never seen the insured vehicle.

The insurance premium was paid in cash.

The insurance agent has no previous or other business in effect with the insured.

Only comprehensive insurance was purchased.

The insured wants to retain title and salvage on a total loss where salvage appears financially infeasible to rebuild.

Title or proof of ownership is a duplicate issue or from a distant state.

The insured has just recently titled the vehicle in his name.

The insured presents an assigned title, still in the name of the previous owner, as his proof of ownership.

The insured in unable to produce title or proof of ownership.

The insured has failed to report the theft to the police.

The vehicle has no lien noted and the owner does not appear to have the means to have made a cash purchase.

The vehicle is reported to be expensively customized or a show model.

The vehicle was rebuilt, a previously recovered theft, or the subject of a prior major collision

The vehicle was alleged to have been stolen prior to titling and registration.

Expensive articles were reported to have been in the vehicle at the time of theft.

The previous owner cannot be located or is unknown to the claimant.

The vehicle is reported stolen and recovered a short time later, burned.

The vehicle is reported stolen and recovered a short time later, stripped of interior.

The vehicle is reported stolen and recovered a short time later, extensively damaged.



NATIONAL AUTOMOBILE THEFT BUREAU

RESOURCES

THE NATIONAL AUTOMOBILE THEFT BUREAU MAINTAINS DIVISIONAL OFFICES LOCATED AT ATLANTA, CHICAGO, DALLAS, NEW YORK AND SAN FRANCISCO WITH BRANCH OFFICES LOCATED AT BOSTON, DETROIT, LOS ANGELES AND HOUSTON. ALL ARE EQUIPPED WITH MODERN HIGH SPEED DATA TERMINALS GIVING THEM FULL ACCESS TO NATB'S NORTH AMERICAN THEFT INFORMATION SYSTEM (NATIS). CURRENTLY, NATE MAINTAINS 2.5 MILLION ACTIVE ON-LINE RECORDS.

NATE EMPLOYS FULL TIME AGENTS STRATEGICALLY LOCATED THROUGHOUT THE COUNTRY TO HELP COMBAT MOTOR VEHICLE CRIME. THE MAJORITY OF THE BUREAU'S AGENTS ARE FORMER LAW ENFORCEMENT OFFICERS WITH INVESTIGATIVE EXPERIENCE IN ARSON AND VEHICLE THEFT. THE AGENTS INVESTIGATE SUSPICIOUS CASES, SERVE AS EXPERT WITNESSES, IDENTIFY STOLEN PROPERTY, WORK WITH LAW ENFORCEMENT GROUPS AS WELL AS PROVIDE TRAINING.

RECORDS

THEFT INFORMATION -

- (A) PASSENGER VEHICLES
- (B) TRUCKS TRUCK TRACTORS .
- (C) TRAILERS SEMI-TRAILERS
- (D) MARINE EQUIPMENT
- (E) OFF ROAD EQUIPMENT

ACTIVE THEFTS REMAIN IN THE SYSTEM FOR A PERIOD OF FIVE (5) YEARS.

THEFT RECOVERY INFORMATION

THIS RECORD REMAINS IN THE SYSTEM FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF RECOVERY.

SALVAGE

- (A) ON ALL PASSENGER VEHICLES, TRUCKS, MARINE EQUIPMENT, OFF ROAD EQUIPMENT.
- (B) EXOTIC AND EXPENSIVE OLDER VEHICLES ARE ALSO INDEXED.

 SALVAGE RECORDS ARE MAINTAINED FOR VARIOUS DEGREES OF TIME DEPENDING UPON STATE REGULATIONS.

INDEX RECORDS

INDEX RECORDS ARE STORED FOR TWO (2) YEARS AND INCLUDES ANY VEHICLE THAT MAY PROVIDE LEAD INFORMATION.

- (A) EXPORTED VEHICLES.
- (B) VEHICLES WANTED BY LAW ENFORCEMENT.

IMPOUND RECORDS

VEHICLES THAT HAVE BEEN TAKEN INTO POLICE CUSTODY ARE RETAINED IN NATIS FIR 180 DAYS.

FACTORY ASCEMBLY RECORDS

NATE 'AS OVER 350 MILLION MANUFACTURERS' RECORDS OF ASSEMBLY AND SHIPPI G.

AMERICAN M TORS VOLKSWAGON

TOYOTA / /

CHRYSLER C RP. HARLEY DAVIDSON MOTORCYCLES

FORD MCTOF COMPANY HONDA, KAWASAKI

GENERAL MC MORS BRITISH LEYLAND MOTORS

AUDI MERCEDES BENZ

PORSCHE MACK TRUCKS

INTERNATIONAL TRUCK

NAT: MAINTAINS LIAISON WITH ALL OTHER MANUFACTURERS AND CAN OBTAIN DESEMBLY DATA ON OTHER FOREIGN VEHICLES.

VIN EDIT

NATE MAINTAINS A VIN EDIT TO PROVIDE LAW ENFORCEMENT AND CLAIMS

PERSONNEL WITH CORRECT VIN INFORMATION. NATE HAS AUTOMATED MATHEMATICS

TO COMPUTE THE CHECK DIGIT IN THE 17 CHARACTER VIN.

CHAINING

NATE ACTIVELY OBTAINS COMPONENT NUMBERS OF HEAVY EQUIPMENT AND CHAINS THE UNIQUE COMPONENT NUMBERS TO THE VIN.

SUSPECT VEHICLE

NATE GIVEN A PARTIAL VIN OR PARTIAL DESCRIPTION OF A STOLEN VEHICLE CAN PROVIDE A LIST OF PROBABLES.

PUBLICATIONS

- (A) PASSENGER VEHICLE MANUAL
 - (B) COMMERCIAL VEHICLE MANUAL
 - (C) MANUAL FOR INVESTIGATION OF AUTOMOBILE FIRES
 - (D) JOURNAL, NEWSLETTER, MISCELLANEOUS

N.A.T.B.

THE NATIONAL AUTOMOBILE THEFT BUREAU IS A NON-PROFIT SERVICE ORGANIZATION SUPPORTED BY ASSOCIATED INSURANCE COMPANIES FOR THE PURPOSE OF ACTIVELY ASSISTING LAW ENFORCEMENT IN:

- . SUPPRESSING VEHICLE THEFTS INCLUDING HEAVY INDUSTRIAL AND MARINE EQUIPMENT
- . IDENTIFICATION OF VEHICLES OR EQUIPMENT BEARING ALTERED OR OBLITERATED IDENTIFICATION NUMBERS
- . INVESTIGATION OF PROFESSIONAL THEFT RINGS AND FRAUDS

- . PEACE OFFICER EDUCATION IN VFHICLE IDENTIFICATION AND MUNICIPATION AND M
- . MAINTAINING A MODERN COMPUTERIZED RECORD SYSTEM DESIGNED TO COMPLEMENT THE FOREGOING OBJECTIVES.



The Commonwealth of Massachusetts

Registry of Motor Vehicles 100 Nashua Street, Boston 0214

AUTO THEFT UNIT 150 CAUSEWAY ST. BOSTON, MASS. 727-8522

A CHECK LIST TO REMEMBER ..

- 1. When searching for a stolen vehicle, always be alert for the traffic violator, the reckless driver, and in some instances, the very cautious driver. Frequently, the sauticus driver is driving a stolen auto and is attempting to avoid undue attention and detection.
- 2. Be suspicious of the driver wht answers questions that have not been asked. He may be trying to divert your attention from signs that indicate the vehicle he is driving is stolen.
- Check the key in the ignition lock it may be a dummy key with no cuttings to open the lock.
- 4. Check the ignition lock. The cylinder may have been removed and the ignition turned on by the movement of the contact disc within the lock case.
- 5. Ask the suspect driver to turn off the motor and then try to restart it.

 There may be a jumper at the back of the ignition lock or there may be a substitute lock connected to the wire loom. In either case, the operator will have to reach for the substitute lock or jumper to restart the engine.
- 6. Check the operation of the ignition key in the door lock. Most cars are assembled so that the one key will operate the door and ignition locks.

 The second key will usually sperate the glove compartment and trunk lid locks.
- 7. Compare the name on the operator's license with the names on the various papers in the glove compartment or the vehicle registration card.
- 8. If a license check has teen made, compare the name on the operator's license with that of the legal owner. It may be different. Most of all ... do not hesitate to ask questions.
- 9. Examine the license plates to determine if they are affixed securely.
- 10. Be alert for signs of firced entry broken vent glass, scratch marks along the door and the like.
- 11. Examine the VIN to determine if it has been changed or altered.
- 12. Keep in mind the location where stolen automobiles have been found in the past.
- 13. Stolen automobiles are not always recovered on the street; they are sometimes recovered in garages, parking lots or shopping centers.

AN INCREASING CRIME PROBLEM



10

By SAMUEL J. ROZZI
Commissioner of Police
Nassau County, N.Y.
and
DET. SGT. RICHARD
MUELLER
Paice Department
Nassau County, N.Y.

The Chop Shop*

On March 20, 1979, a 1978 automobile valued at approximately \$6,000 was reported stolen from a large, suburban mall located near New York City. At the time of the report, the owner indicated that he had parked the car at 10:30 a.m., and after shopping, returned at 11:15 a.m. to find it stolen.

The automobile, in this case, was recovered 4 days earlier as the result of a raid conducted on a "chop-shop" in Brooklyn, N.Y. The owner, who was a party to the scheme, left his auto there and had been told to wait several days before reporting the venicle stolen. At the time of its recovery, the car was found to be in a partial state of disassembly, together with 29 other stolen late-model vehicles in similar condition. The value of the car, had it not been recovered, would have increased three-fold, from \$6,000 to approximately \$18,000, since it was about to be sold piece by piece.

"A "choo-shoo" is a facility, usually a body shoo, that disassembles stolen autos for purposes of selling the parts, usually through an organized network.

Had the parts been sold, several body repair shops would have been able to provide their unsuspecting legitimate customers with replacement parts secured at a fraction of their value without the inconvenience of a 1-or 2-week wait to receive factory-ordered parts.

The legitimate customer would have his car returned in perhaps a day or two. The body shop owner might purchase a \$2,800 "nose" (front-end assembly) for \$1,500, and yet would be able to bill the customer's insurance company at the going rate of \$2,800. Further, the body shop owner would not have his lot cluttered with cars waiting for ordered parts, enabling his business to operate on a quick turnover, high-profit basis. The "contact," who is the intermediary between the auto thief and body shop owner, would receive perhaps \$500 for the arrangement, while the individual who actually "stole" the automobile would receive approximately \$150. In short, with the exception of the legitimate customer, everyone would have a sizable financial gain.

January 1980 / 9



Commissioner Razz



Detective Sergeent Mueller

The Dupe"

Vehicles other than automobiles are not immune from the activities of the professional thief.

In November 1978, the local office of a nationwide automobile and truck rental company reported the theft of a 1978 diesel truck valued at approximately \$20,000 from its storage yard. In January 1979, the police were notified by the rental company that they had received an anonymous phone call indicating that employees of a company which held a service contract with the rental company had stolen several of the firm's trucks from the storage yard, re-registered them, and were using them for their own purposes.

The subsequent police investigation uncovered that in the latter part of 1977, "paper" (meaning a vehicle identification number and necessary ownership and registration material) was purchased from a salvage company that bought used, damaged, and mechanically unsound trucks from the rental company. In this instance, the paper was for a 1973 truck that was almost identical to the stolen 1978 truck. The company holding the service contract repainted the stolen 1978 truck and affixed the vehicle identification number (VIN) plate from the 1973 truck in the appropriate place. Since both vehicles are virtually identical in external appearance, one might ask how the stolen 1978 model disguised as a 1973 model was identified. Several things attracted the investigators' attention. First, exterior model markings indicated the truck to be a diesel when, in fact, it was registered as gasdriven. This alone was sufficient probable cause to look for identification numbers. Second, further inquiry determined that the 1973 model was a 4-cylinder, gas-driven vehicle. The 1978 truck, although identical in body shape, was a 4-cylinder diesel. In this case, the thieves had registered the diesel as a gas-driven vehicle. And last, the thieves repainted the vehicle to match their company colors and

affixed the 1973 VIN to its proper position on the truck door. The color is paint under the VIN plate should have been the original color of the truck lit not been removed prior to repair Since, in fact, it was the same at present color of the truck, it was objust that the plate was affixed after the repainting.

Each of these incidents is a valation of auto theft. Involvement may beyond the local level, since there a frequent instances where stolen vecles are, in their entirety or in piecishipped out of State and even out the country.

The 1977 Uniform Crime Repcindicate that one automobile is stoevery 33 seconds in this country. matter what variation occurs, there profit to be made by those who willing to violate the law, and money be lost by honest citizens who may the higher insurance premiucaused by this criminal endeavor. chance, incidentally, is not a grone. If one conducts research into sentences of auto thieves, it become quite obvious that the thief may exalaminal sentence, and generally, charge will only be a misdemeanor.

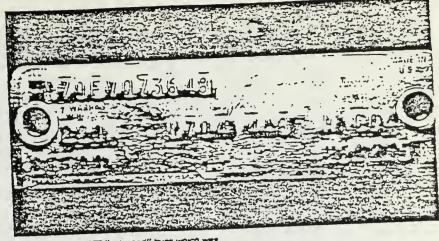
No jurisdiction is immune from auto theft problem. In 1978, over vehicles were stolen in Nassau with an equal number being stole. neighboring Suffolk County. New ' City, the western neignbor of Nas County, recorded some 96,000 sti vehicles in the same period. Na: County's recovery rate was app mately 57 percent, up from 37 per in 1977 but down from over 90 per just 10 years ago. The 20-percer crease in recovery rate between " and 1978 is a result of the police partment's commitment to contin the problem.

**The "dupe" (duplication) refers to a stolen, vehicle that has been legally registered as a result of the use of a VIN from a salvage vehicle (vehicle certified for destruction). Joy-nding is no longer a major problem. Autos stolen for this purpose are, with few exceptions, recovered. The youth of our affluent population either own their own vehicles or have access to vehicles owned by their parents. The real problem centers around the professional thief who uses one of the methods previously described.

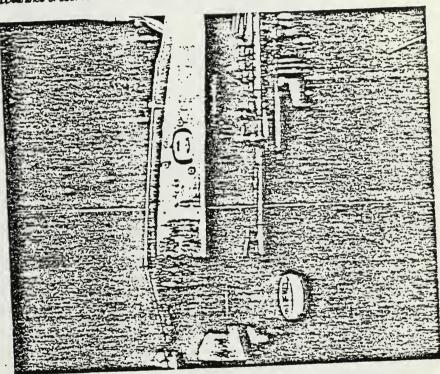
The chop-shop may work in conunction with a car thief who steals cars only for parts, or with the automobile owner who wishes to dispose of his venicle for some reason (debt, mechanical unsoundness, etc.). Teenage car thieves may be given \$50-\$150 to steal late-model cars which they deliver to chop-shops. These cars are dismantled, and parts are cataloged and sold either to body shops or auto parts bealers. There is a network organizacon to dispense these parts. It is estimated that the illegal parts business grosses \$4 billion annually—all of this tax free. It is no wonder that the insurance rates in urban areas, and particularly the New York metropolitan area, ere among the highest in the Nation.

When dealing with a chop-shop, the automobile owner is usually required to leave the vehicle registration, and when the auto has been dismanted and the chassis crushed, the registration is returned to him by mail with the OK to report it stolen. Since at this point the car has been literally reduced to pieces, it can virtually never be recovered.

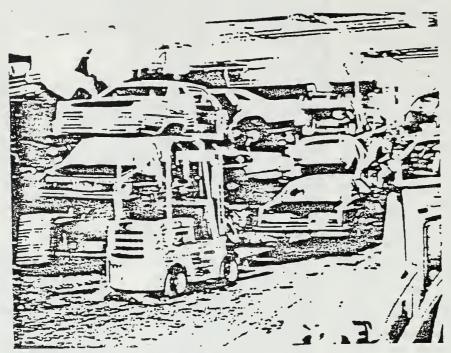
The contact purchases a salvaged (totally wrecked) vehicle for the excress purpose of obtaining the VIN plate and the corresponding ownership occuments. This individual pays top collar for these "basket cases," excuding legitimate salvage buyers from making the purchase. Once the purchase is made, a thief is commissioned to steal a vehicle that matches the tasket case in every way. Depending on the expertise of the contact, one or more of the vehicle identification numbers will be changed to make the stolen vehicle appear to be the salvaged vehicle. The remains of the savaged vehicle are crushed, and the ratered vehicle is resold to an suspecting buyer through one of several different ploys. Perhaps a



VIN plate from a 1973 "salvaged" buck which was affixed to a stolen 1978 vehicle. The outward appearance of both vehicles is virtually identical.



VIN plate on a duped truck. In this instance, the duped VIN plate had been affixed after the stolen truck was repairted.



Interior view of a chop-shop. Note that all of the late model vehicles, some of which still bear registration plates, are in a partial state of disassempty. When this photo was taken, several the vehicles had not been reported stolen.

smooth-talking salesperson will befriend the owner of a service station or
body shop and pose as a repossessor.
The proprietor of these establishments
will be asked if he could put a "nice
car" with a "nice family" in return for a
small finders fee. Other duped vehicles
may be sold through small dealers or
at auto auctions. Such vehicles may
also come into the hands of major
automobile dealers to be sold to
unsuspecting buyers.

These illegitimate activities have the residual effect of inflating prices to legitimate body and fender repairmen, and even worse, they create the impression to the public that the entire industry may be involved in illegal behavior.

Dealing with the Problem

What can law enforcement officers do to control the auto their problem?

The answer is to undertake an aggressive and progressive management approach whereby all related resources are identified and used. Specifically, the following can be of assistance:

1) Prevention through education. Act before the fact. This is the most meaningful approach. Law enforcement agencies must strive to raise the level of consciousness of the public so that they will make the necessary effort to reduce theft opportunities. Such cautions as not leaving the key in the ignition, remembering to lock the vehicle, and not becoming involved in "chance of a lifetime" automocile purchases must be emphasized. While these cautions seem to be scmewhat obvious, they apparently are not since almost 40 percent of auto thefts involve situations where keys are left in the ignition and almost 30 percent involve unlocked vehicles.

A second dimension is to raise the level of awareness of law enforcements of the problem, techniques involved, and what to for in addressing this problem.

2) Aggressive and active au theft investigation. Law enforceme agencies must encourage aggressi and active investigation on the part their officers, whether they be pat officers or detectives. Do your office routinely monitor body shops with eye toward observing rapid repairs? I they routinely stop unmarked flat-b and conventional tow cars which : transporting late model vehicles ti appear to be undamaged? In regard the burgeoning truck theft problem productive technique might be to courage patrol officers to pay cit attention to truck identification nu bers when dealing with disabled ve cles, accidents, traffic stops, and tri weighing facilities.

As a bit of agency introspecti has your auto theft reporting proced been reduced to simply taking an a dayit and then filling it?

- 3) Liaison with other law enforment agencies. Task force and regial models are the most productive dealing with organized auto the cause of the absolute necessinteragency cooperation and interagency cooperation and interagency
- 4) Relations with the insurance dustry. Are you familiar with the sices of NATB? Have you considiforming an ACT committee? If you unfamiliar with these organizations an indication that you have not tat one of the active resources avail to you in connection with auto enforcement. ACT committees (Car Theft) have been formed in serregions of the United States unde sponsorship of NATB (National Theft Bureau) to launch auto

campaigns in which social and commurity groups are encouraged to join forces with representatives of law enforcement, government, and industry. =elationships such as these can protuce something as simple as the rewording of insurance claim form terminology or improvements in the form's caveat, both of which can be of avaluable assistance in improving your ability to enforce fraud and "falsely reporting" statutes. The ultimate goal of such law enforcement-industrial cooperation may be to seek reductions in nsurance rates for the citizens in your unsciction.

Legislative suggestions and support. Do you support legislation re-'ated to auto theft, and more importantly, have you contributed suggestions to the legislative process? Are you famil-

iar with the provisions of the Motor Vehicle Theft Prevention Act of 1979, which is presently pending before the U.S. Congress? Among other things, this act would require manufacturers to number all component vehicle parts made in this country, as well as those parts which are imported. It would further require any person, be it the operator of a salvage yard, body and fender shop, or auto dealer, to record by number each identifiable part he receives. Other provisions would allow for the seizure of any parts which show evidence of number alteration or removal.

whether one in conclusion, chooses to recognize the growing problem of auto theft, it is a reality. Aggressive enforcement and the ability to control auto theft are limited only by the degree of administrative commit-

ment and the motivation and imagination of law enforcement personnel. It is the responsibility of the police manager to establish the proper climate in the organization.

V The Nassau County Policy Department's Teleview Unit has prepared a short video cassette ·program to train its patrol officers to recognize the indicators of a "duped" vehicle. Copies of the program are available to interested law enforcement agencies by writing to the Nassau County Police Department, 1490 Franklin Ave., Mineola, N.Y. 11501, and enclosing a blank 3/4-nch video cassette.

1978

December publication. Clime in the publication are United States, show that more than ... Morder offenses were up 2 percent by materia Crimer Index offenses were: ... over 1977, but decreased 5 per-Percent to law enforcement spances.

Separated to law enf lent corners of murces, forces report to them in 1974 mobers, and aggreement assent represents of aggreement assent were the remaining 10 percent of the total volume of percent over 1977 and 22 percent over 1974. Arr areage of the total of the total volume of percent over 1974. Arr areage of

The Property of the Property o conditions are average of \$525 per Comment of the Herselect Judge - burglary Residents burglaries at contest to percent of the world and counted for 65 percent of all Carles Are estimated TLS milion as well-of forcide embers Francis were made for all crimes except. milic victations. Citings arrested: 40 percent were under 21 years of age 15 steen in 1978 met 5 percent were under age 250 - The most volumences index came. Aresta of males cutterness those of the man bacony-their which account demand by 5 to Table 1

Final 1978 figures extracted from Ciber Rightights from the 1978

parcent: Property crimes of burglary. 200 cases of aggregated less any their, and motor vehicle their messalts were cleared.

The total loss resulting from burglary the 197 at least entercement again of leases was estimated to be \$1.5 backers. and I'm percent in

72 145 registered motor vehicles was

* editor 5,983,40 trafferses in 1978; more than had the locies intal and resultad va total losses estimated. #ST-FDHCK_ November 23, 1987

Director SIU ...

Re: Automobile Thefts on Toyota and Datsun Vehicles

This is to inform you that we have received some information in the Washington Metropolitan Area that came in a Washington Post article, on November 7, 1987, through the Arlington County Police Department, Auto Theft Division, where we are experiencing thefts of vehicles, MR2s, Toyotas, and also Datsun vehicles in the Washington Metropolitan Area, where the vehicles are being stolen with no cignition damage.

We have reviewed the damage information on the ignition portion and found that what they are doing is they are slipping some sharp object in behind the ignition itself, sliding it up, and pushing down on the release button on the cylinder of the ignition, releasing the ignition as pulled directly out of the steering column. At this time, then they take the cover off, the metal cover around the front of the ignition that holds in the cylinder, and remove the portion of the locking system with the instinct. This, in turn, you can stick in any Toyota or Nissan yin which ever vehicle it is, and it will start. They slide to back into the steering column and you cannot tell that the car has ever been tampered with.

You might make the SIU units aware of this problem on the Eastern Seaboard. It is mostly being done by the Vietnamese gangs in the Washington Metropolitan Area. It originated sometime in 1985, back in California, and has now spread to the East Coast. I'm sure that all the little thieves in the world on the East Coast will now suddenly realize that this is the way that it can be done.

The National Auto Theft Bureau is apparently aware of it in the Pacific Division, but I have seen nothing in writing on it on the East Coast until here, this month.

If I receive any further information from the Arlington County Police Department. I will notify you. It also should maybe make the Appraising units and the different offices aware of this, as when you find Toyotas and Datsuns with no ignition damage you

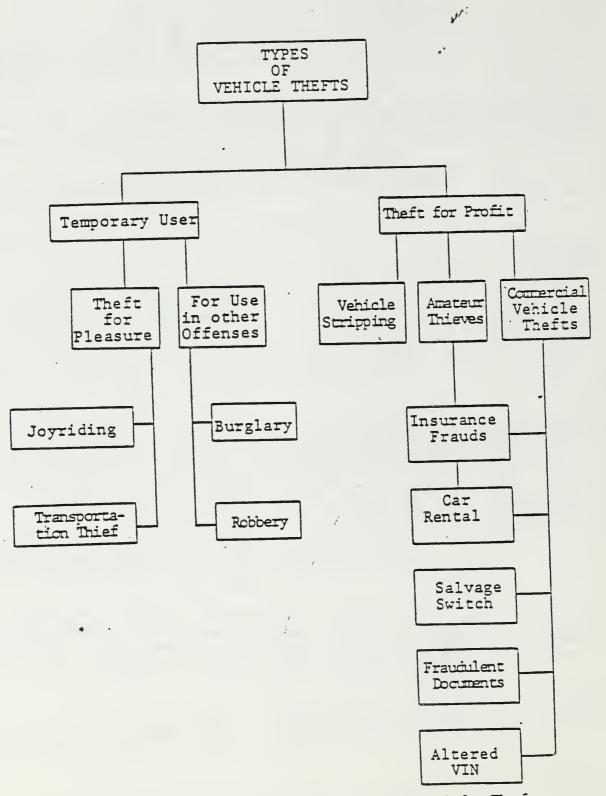
5 Rect

32

might have them have the ignition pulled to see iffethe pins in totally sure that there has been no one else with keys to the

At the present time, we have no further information on it and we occur anything further to you if any further developments.

JAH 6. BED



Relationship of Various Types of Vehicle Thefts

UNITED STATES POSTAL SERVICE

POSTAL INSPECTOR

P. O. Box 1230, Fort Worth, TX 76101

OUR REF:

WWM: SV

DATE: APT. 18, 1979

SUBJECT:

CASE NO:

15

10:

Mr. John E. Painter, Jr. National Auto Theft Bureau 1341 W. Mockingbird Ln., Suite 1006E Dallas, TX 75247

Dear John:

Enclosed is a copy of Title 18, U. S. Code, Section 1341 and 1342, the mail fraud statutes. Each use of the mails in furtherance of the scheme would constitute a possible count in an indictment, thus increasing a defendant's exposure to prison time. In many cases, one insurance claim would involve numerous mailings in furtherance of the scheme.

If the Postal Inspection Service can be of any assistance in the future, please feel free to contact any of our offices. Your continuing cooperation is appreciated.

Sincerely yours,

N. W. Meyers
Postal Inspector

Encl.

04/20/79

cc: All Southwestern Division Agents - for information and file

Chapter 63 MAIU/FRAUD

Sec. 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be seen or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Sec. 1342. Fictitious name or address

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name or address, or name other than his own proper name, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

Postal Laws TL-23, 6-1-72



The Commonwealth of Alassachusetts Registry of Alotor Vehicles 100 Nashua Piret, Boston 0214

PACTS ABOUT MASSACHUSETTS TITLES TO HELP DETERMINE IF THE TITLE WAS ISSUED BY THE REGISTRY OF MOTOR VEHICLES:

| Date of issue | | Letter | in | title | no. |
|----------------------|---|--------|----|------------|-----|
| 1972 1973 1974 | 1 | | D | & C | |
| 1975 1976 1977 | | | | & H & K | |
| 1978 1979 1980 | | | | % M | • |

Letter "G" was discontinued in 1977, was similar to number 6.

Signatures on title of Registrar and years.

To follow the code, the year of title issued should equal the assigned letter for the year, and the Registrar's stamped signature should match the year in office.

- September 1, 1972 the background color, of the title, was gold. Effective on January 3, 1977 the color was changed to blue.

If there is any questionable title contact the Auto Theft Unit at 727-8522

Commonwealth of Massachusetts

THE REGISTRAR OF MOTOR VEHICL AN APPLICATION FOR A CERTIFICATE OF TITLE HAS BEEN DULY FILED PURSUANT TO THE LAWS OF THE COMMONWEALTH OF

| | 0100 4. If mem, CENT, or parein must |
|---|--------------------------------------|
| G 720677 12/21/77 1 2 0009. | L . W SE DUDWITTES |
| 1978 Cadillac D69 | HD-top |
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| Bobby Reed | IL OTELOFISTAL ADDRESS OF LETTE |
| 402 Willis Ct. | |
| Roxbury Mass. 02201 | n hei Chei |
| INWE CERTIFY THAT ALL LIENS ON THIS VEHICLE ALL DETE | |
| NONE A TONE TO THE TONE OF THE PARTY OF THE | NONE |
| THE AMERICAN (THE AMERICAN) | STATE OF LIES |
| A. SECONO UCENTACIO | 21, 9415 07 1350 |
| M. ASSESS (NO. AND STRUCT) SITE STATE | II. THE OF LIGH |
| | |

THE REGISTRAR OF MOTOR VEHICLES CERTIFIES THAT, BASED ON THE STATEMENTS OF THE APPLICANT AND THE RECORDS ON FILE WITH THIS DEPARTMENT, THE APPLICANT NAMED HEREIN IS THE OWNER OF THE VEHICLE, AND SAID VEHICLE IS SUBJECT. TO ANY LIENS ENUMERATED HEREIN.

Palmer Cadillac Inc.

100 Southern Artery Quincy, Mass. 02043 ::

DATED AT BOSTON, MASS.

Jan 25,1973

.: TITLE

The Commonwealth of Massachusetts REGISTRY OF MOTOR VEHICLES CERTIFICATE OF TITLE

THE REGISTRAR OF MOTOR VEHICLES HEREBY CERTIFIES THAT AN APPLICATION FOR A CERTIFICATE OF TITLE HAS BEEN DULY FILED FURSUANT TO THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS.

| 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1 | | 99 | 000000 |) - | Ca ((4) D (4) (4) (4) (4) (4) (4) (4) (4) (4) (4 | | |
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| John | Q. | Do | 2 | 19 0(3)0(4) 7000 241, 4 | | | |
| 100 Any Street O00000 Anytown, Massachusetts. | | | | | | | |
| A B C Loans Inc. | | | | | | | |
| 200 Any Street. | | | | | | | |
| 13 11CC-3 L4 - LECA 1 1 1 1 1 1 1 1 1 1 1 1 1 | | STATE | / / · | 21 21(0) | | | |

THE REGISTRAR OF MOTOR VEHICLES CERTIFIES THAT, BASED ON THE STATEMENTS OF THE APPLICANT AND THE RECORDS ON FILE WITH THIS DEPARTMENT, THE APPLICANT NAMED HEREIN IS THE OWNER OF THE VEHICLE, AND SAID VEHICLE IS SUBJECT TO ANY LIENS ENUMERATED HEREIN.

| Eest Dealer | |
|-----------------------|-------------------------------|
| Fig. : New Car Rose | A A TOOON WEEK STUSP TE TOOON |
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| | |
| DATED AT BOSTON, MASS | 1 1 8/M4 11. |
| . 9-20-79 | Russel VIII Zanafal |
| | REGISTRAR OF MOTOR VEHICLES |
| · - | ELGETAN OF MOTOR VEHICLES |
| | |



The Commonwealth of Massachusetts

Registry of Alotor Vehicles
100 Nashua Street, Boston 0214

55

October 6, 1980

Dear Chief:

On October 8, 1980 the Governor's new automobile theft laws (Chapters 451 and 463 of the acts of 1980) will go into effect. In addition to providing stronger criminal penalties for car theft, the new laws require changes in the reporting practices by police and citizens on the theft of a motor vehicle.

Chapter 463 of the acts of 1980 requires that the Registrar of Motor Vehicles establish a standard reporting form to be used by all local city and town police departments when the theft of a motor vehicle has occurred. With the assistance of the Massachusetts Chiefs of Police Association, we have designed a new reporting form which is now available for distribution. This report must be filled out and signed by the vehicle owner of record or, where appropriate, the person reporting the theft.

Briefly, the new laws entail several other changes with respect to motor vehicle theft reports. Unregistered motorist must file a theft report with the police. Additionally, filing a false report will be punishable by a new criminal statute, G.L. c. 268, S37.

We are confident that these measures, if followed, will significantly reduce the incidence of automobile theft in the Commonwealth and rid Massachusetts of its dubious distinction as the "stolen car capital in the nation."

We ask for your assistance and cooperation in our attack on this significant problem.

Sincerely,

RICHARD E. McLAUGHLIN

Registrar

REM/hlb/mjc

"Staying Alive is No Accident"

Organized Nourmber 5, 1887

William J. Carlin
President
86 Burrill Street
Swampscott, Massachusetts 01907



Ancorporated Mag 2, 1949

John J. Hanlon
Secretary-Treasurer
176 Central Street
Hudson, Massachusetts 01749

TI, Tel. 617-568-1629

Tel. 617-595-illi IN UNITY THERE IS STRENGTH

October 1, 1980

Dear Chief:

I am writing to request your assistance in our comprehensive attack on automobile theft in the Commonwealth.

According to the National Automobile Theft Bureau, an estimated 25% of all thefts reported in the Commonwealth are fraudulent, made solely for the purpose of defrauding insurance companies. This results in higher insurance premiums for the residents of your community as well as mine. One sure method of reducing the incidence of this fraud would be to require vehicle owners to fill out a police report at the local static and then sign it. The new law - chapter 463 of the acts of 1980 - requires this new procedure and sets forth tough new criminal penalties for filing a false police report.

The new law requires that a standard reporting form be used by all polidepartments in the Commonwealth. Our Association has worked closely with the Registry of Motor Vehicles in devising such a form. After much worthe Association was unanimously recorded as favoring this new reporting form.

I would urge your cooperation in our efforts to comply with the new laws. I am confident that this measure, along with the other strong criminal penalties for car theft, will significantly decrease the incidence of automobile theft in Massachusetts. With your assistance, we can achieve these result.

Thank you.

Sincerly,

William J. Carlin

Kilean;

President

Massachusetts Chiefs of Police Association

SUGGESTED GUIDELINES FOR USE OF STOLEN/RECOVERED MOTOR VEHICLE REPORT (MVTR C175 10/80)

- 1. Owner or person in control of vehicle is to complete triplicate stolen motor vehicle report and sign name.
 - A. Form is also used for stolen plates.
- 2. Effort made to ascertain that the registration plate number and vehicle identification number (VIN) are correct.
 - A. Registration and plate number and VIN may be obtained by:
 - 1. DRIVES computer information.
 - 2. Insurance Policy.
 - 3. Excise Tax billing.
 - 4. Certificate of Title.
- 3. All other information, including above, to be completed.
 - A. Accurate and complete forms are fundamental for the success of any auto theft investigation.
- 4. The police officer has space to make comments on face of report and additional information may be entered on reverse side of form.
- 5. Police officer receiving report will verify that the theft has been reported on the form.
- 6. The Pink Copy of the report will be given to person reporting theft after verification by police officer.
 - A. Insurance settlement will not be made by insurance company unless the form is verified by police officer.
- 7. The dispatcher or LEAPS operator will indicate the LEAPS number and NCIC number on top portion of the form and entry made in usual manner in the LEAPS/NCIC teletype system

(OVER)

8. Yellow Copy of form to be mailed by law enforcement agency to the following:

Registry of Motor Vehicles Auto Theft Unit 150 Causeway Street Boston, MA 02114

- 9. This form is to be used for Recovered vehicle/plate.
 - A. Cross-out the words stolen on upper portion of form, if stolen from another jurisdiction.
 - 3. Complete the form as to recovery of vehicle and condition of vehicle.
 - C. Refer to Departmental Policy to be used for recoveries:
- 10. Entering department of stolen report to be notified in usual teletype procedures.
- 11. Person claiming vehicle is to sign name and License Number.
- 12. Additional forms may be obtained by calling in Boston 727-8522.

POLICE DEPARTMENT

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Stolen/Recovered Motor Vehicle Report

| ods ent to the abo | ve named Pol | ica Departmen | t that the following o | leschbed M | lotor Venica w | as stole | n in the City/Town of | | 6 |
|--|---------------|------------------------------|---------------------------------------|----------------|-------------------------|------------|-----------------------|----------------------------------|---------------------------|
| W. JBY (Last Name Fi | | | | | - STREET | | CITY | STATE | PHONE NO. |
| | | | | | • | | , | | İ |
| EPORTED BY (Last Name | e First) | | | ACCR | ESS | | CITY | STATE | PHONE NO. |
| TOLEN FROM | | | STREET | ! - | | | спу | STOLEN DATE Mo. Day Yr | SCHETIME SINCE TIME AL |
| Year of Venicle | Make o | t Venice | Ma | DOM: | | 800 | y Style | _ | COLOR |
| | | | | | | | | Тор | Вотоп |
| Registration Plate Number | r St | are | Venice Registered | 1 | | | Versce identific | cation Number | |
| | | | YES NO | | 1 1 ! | <u>. 1</u> | 1 1 1 | 111 | 1 1 1 1 |
| Were Kays in Venicie? YES ☐ NO ☐ | | 00073 L00X8d7 | Est. Value of | Vehicle | PLATE ONLY CHECK BOX | | INSURANCEC | OMPANY | |
| ILL OWNER OR PER | | | | LE FOR CO | <u>'</u> | | | | YES [NO [|
| /ARNING: HOEVER KNOWINGS FINE OF UP TO \$2.5 HED BY A MANDATO | 00.00 G.L. c. | 268. s37. PE 4 ONE YEAR . | RSONS CONVICTE | | | | OWINGLY MAKING | FALSE REPORT | |
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| place of Reco | CVERY | | STREET | Ma. | DATE Day Y: | -our | TIME Min. AM PM | OFFICER MAK | ING RECOVERY |
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| NAME AND ADDR | ESS OF PERSO | ON CLAIMING V | EHICLE | <u> </u> | ! | LCENS | E NO. | SiGi | NATURE |
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| PARTS | MISSING | DAMAGED | SECTIONS | | | CBEAN | LOCKS | DAMAGED | BURNED |
| TIRES | | | FRONT | (| | | IGNITION | | MOTOR COMP |
| ENG. NE | | | A. SIDE | | | | DOOR | G | PASS COMP |
| 1 | | | L. SIDE | | | <u> </u> | TRUNK | | TRUNK COMP |
| NS. FANEL | | | REAR | | | <u> </u> | GAS CAP | <u> </u> | TOTAL |
| SEATS | _=_ | | HOCD | | | | | | Fire Dept Respo |
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RHODE ISLAND STATE POLICE

AUTO THEFT BUREAU

SEPTEMBER5, 1978

The information contained in this pamphlet was obtained for the purpose of showing the difference between an authentic title certificate and identifying a counterfeit title certificate. There will also be information concerning reported stolen and missing title certificates from various states.

The following is a list of phrases and words used to identify and describe what a legitimate title will bear.

RAISED STEEL ENGRAVING: Decorative designs and lettering usually located along the edges of the title. It can be detected by passing the fingers over aforementioned area. A rough feeling will occur, the remaining face of the title will be smooth.

SERRATED EDGES:Title edges have a notched or jaggered effect pointing forward or toward the apex.

(Counterfeits have smooth edges)

PITMEY BOWES PRINTING: . A scripture type print, much heavier and bolder appearance than a typewriter print.

ROSETTES: A round decorative type design usally used on the face of title certificates.

SECRETIVE LETTERS & WORDS: Are located on the face of title certificates in the raised steel engraving areas.

And they become visible by raising the title certificate to eye level horizontally, and at arms length.

BLACK LIGHT FEATURE: A fluorescent type light that emits a black light. Used to raise secretive letters, words and decorative designs from the face and rear sides of the title certificate.

LEACH AND BLEACH PAPER: Multi-color paper for title certificats.

Used to discourage alterations.

45

ALASKA..... Eas serrated edges along top and boptom of title. Genuine title *The small circles located along the left border of it are serrated inside the innder circle.

ARIZONA..... A Pitney Bowes print is used for the title num-Genuine title ber.

*Paper stock is thick and brownish in color.

Counterfeit title certificates seized have; *The title number of A664301.

*Space provided for "previous title date" is usually incomplete.

*Information on face of title should be typed, but the counterfeit is free hand written.

ARKANSAS..... Data unavailable at this time. Genuine title

<u>CALIFORNIA</u>.... Has serrated edges along the top and right edges Genuine title of the title.

*Black light feature. When placed under light the "State Seal" appears on it's face. And on the rear side appears the, "Department of Motor Vehicle State of California."

Stolen title certificates reported are:
*TTA54451 thru TTA544501
*TTM-21102 thru TTM211028
*T-9704001 thru T-9704038

COLORADO.... Black light feature. When placed under light the Genuine title "State Seal" appears on it's face. And on it's rear side appears, "Department of Motor Vehicle State of Colorado."

CONNECTICUT:.. A Pitney Bowes print is used for the title num-Genuine title ber.

*Black light feature. When placed under light the words, "State of Connecticut" appear on it's rear side.

DELAWARE..... Data unavailable at this time.
Genuine title

DISTRICT OF COLUMBIA. Data unavailable at this time.

*Missing title certificates reported are: Genuine Title

> *1999R5 thru 101082

Genuine title

title.

*Black light feature. Under the light appears "Florida" upon it's face and rear sides. In the areas provided to contain data on title date of issue, vehicle make, and it's identification number.

Counterfeit titles seized have;

*The title number of A664301.

*Poor quality of printing.

*The lower left hand corner of it bears the letter "C" without the complete control number, which is computer printed when genuine.

GEORGIA.....

....Data unavailable at this time.

Genuine title

Missing title certificates reported are: *11195138 thru 11195142

....Data unavailable at this time.

Genuine title

Genuine title

Genuine title

IELENOISOn 6-1-78 a new title certificate was issued. *A laminated effect is used to cover the area containing the data for the identification number. (Preventing alterations)

> *Has raised steel engraving along it's borders. *Black light feature. Under light "Illinois" ap-

pears all over the title, also the State Seal. *Secretive letters "IL" appear at border design on it's face on left side. Also letters "SS" appear

at border design located on right side.

INDIANA :.... Genuine title

.... Has serrated edges along top and bottom of title. *A laminated effect is used to cover the area containing the data for the owner's name, his address, title number, via. and description of vehicle.

IOWAOnly safeguard is the diamond shaped background design, Genuine title which is a deep shaded yellow. The counterfeit would appear blurry in this area.

Missing or stolen "blank duplicate" titles: *Al06962 thru Al07400 ... *23-H01023 *23-H01028 thru 23-H01050

KANSAS..... Has serrated edges along top and bottom of title. Genuine title *Black light feature: Under light the background western design on it's face side, changes from a white color to a violent color.

<u>KENTULKY</u>..... No data available at this time. Genuine title

<u>ICUISIANA</u>.... A Pitney Bowes print is used for the title number. Genuine title

MAINE..... Has raised steel engraving along top and bottom borders. Genuine title *Eas serrated edges along top and bottom of title.

- *Black light feature. Under the light the border that encompasses the State of Maine emblem turns to a violet color.
 - *Secretive letters appear on it's face side "MAINE" in the rosettes along the bottom border.
 *Leach and Bleach paper used for the title.

MARYLAND..... Has raised steel engraving along top and bottom borders.

Genuine title *Has serrated edges along top and bottom of title.

*Leach and bleach paper used for the title.

*Secretive letter "M" appears in rosette located at the upper left hand corner of title.

MASSACEUSZITS Uses Pitney Bowes print for the title number.

Genuine title *Black light feature. Under the light the word

"Valid" appears on the rear side of title.

MICHIGAN.....Has servated edges top and bottom of title.

Genuine title *Black light feature. Under light on the face side the "State Seal" appears. And on the rear side appears "State of Michigan".

Counterfeit titles reportedly using numbers:

*B8350522

*C5687799

*B7616681

*C22811782

*B4776543

*Protective "Fs" used in 1975 Lincoln vin's.

Missing or stolen title certificates.*
*D2651922 thru D2651972

MINNESOTA.... Has serrated edges along top and bottom of title. Genuine title *Has raised steel engraving along it's border.

*Secretive letters "OK" located on it's face in the upper left hand corner in a rosette.

MISSISSIPPI... Has serrated edges along top and bottom of title.

Genuine title *Has raised steel engraving along it's borders.

*Secretive letters "OK" appear in design at top right hand corner.

*Black light feature. Under light the gold seal decorative design on the face side will turn to a black color if counterfeit.

MISSOURI..... Eas serrated edges along four sides of title Genuine title

Missing or stolen title certificates.
*635401 thru 636000

MONTANA..... No data available at this time.

Genuine title *Stolen and missing titles listed on page 7.

NEBRASKA..... No data available at this time.
Genuine title

NEVADA...... No data available at this time. Genuine title

NEW HAMPSHIRE.. Uses Pitney Bowes print for the title number.

Genuine title *Typewriter print only used on "Duplicate" titles for title number.

*Background design on genuine title is clear, the counterfeit would appear blurred.

*On original title no type used, all data is copy by photography.

NEW JERSEY.... Has serrated edges along top and bottom of title. Genuine title *From 1977 the front side of title has a box design along the bottom border. Secretive Jetters "N.J." are located in this design.

*Secretive letters "O.K." are located in two rosettes at the top right hand corner.

*Black light feature. Under light the "State Seal" appears on the rear side of title.

Counterfeit titles reportingly using numbers: *W681200 thru W761487

Missing or stolen title certificates:
*Y602459 thru Y602471 (With validation stamp)
*L439793 thru L439872 (#123) (Also #38)
*W681200 thru W761487 counterfeits

NEW MEXICO.... No data available at this time. Genuine title

NEW YORK Has serrated edges top and bottom of title.

Genuine title *Leach and bleach paper used for title.

*From 1978 titles have raised steel engraving along top and bottom borders.

*Black light feature. Under light the word "VALID" on it's rear side.

Counterfeit titles seized have the following:

*No servated edges along top and bottom of title.

*Prefix letter for serial number for all 5/75

Certificates should be "D" or "E". Counterfeits were

using the letter "C". The same serial number should be

the color blue, and not red.

*Where it is indicated lien holder on the face, if there

isn't one, it should be left blank.

MORTE CAROLINA No data available at this time. Genuine title

North Dakota.. Has serrated edges along top and bottom of title.

Genuine title *The background decorative design would be hard to

clearly duplicate. Counterfeit should have blurred effect

OEIO..... Eas servated top edge on title.

Genuine title *The background decorative design would be hard to clearly duplicate. Counterfeit should have blurred effect.

<u>Stolen or missing</u> title certificates reported:

*300231808 thru 300231811 *450873301 thru 450873310

*300231872 thru 300231878 *318701607 thru 318701640

*300231934 thru 300231938 *830532706 thru 830532713

*300231997 thru 300232000 50

OKTAHOMA..... Has serrated edge along the top of the title. Genuine title *The background decorative design would be hard to clearly duplicate. Counterfeit title should have a blurred appearance.

Stolen or missing title certificates reported:
*R161551 thru R161800
2454251 thru 2454400

OREGON Has servated edges along the top, bottom and left Genuine title side of title.

*The background decorative design would be hard to clearly duplicate. The counterfeit title should have a blurred appearance.

PENNSYLVANIA.. Eas serrated edges top and bottom of title.

Genuine title *Leach and bleach paper used for title.

*Eas raised steel engraving along it's borders.

*Secretive letters on face of title, and are concealed in decorative arrow designs at each corner.

The letter "P" is in the upper left corner, the letter "A" is in the upper right corner, the letter "D" is in the lower left corner and the letter "T" is in the lower right corner.

Stolen or missing title certificates reported: *9897005 thru 9897328

PHODE ISLAND... Has raised steel engraving along it's borders.

Genuine title *Leach and bleach paper used for title.

*Secretive letters on face of title concealed in rosettes.

The letter "R.I." are located on the left side, and on the right side "T.C."

*Black light feature. Under light the word "EOPE" appears.

*The control number is black.

SOUTH CAROLINA Uses Pitney Bowes print for assigned title number.

Genuine title *Has raised steel engraving along it's border.

*Leach and bleach paper used for title.

*Secretive letters on face of title concealed in rosettes.

The letters "S.C." are located in the top right hand corner rosetts.

SOUTH DAKOTA... No data available at this time. Genuine title

TENNESSEE..... Has serrated edges on all four sides of title.

Genuine title *Black light feature. Under light the "STATE SEAL"

appears on the face of the title.

*Leach and bleach paper used for title.

*Eas raised steel engraving along it's borders.

*Secretive letters on face of title are concealed in rosettes. The letters "T.E.X." are located in the rosettes on the left side. And the letters "M.V.D." are located in the rosettes on the right side.

UTAH...... No data available at this time.
Genuine title

<u>VERMONT</u>..... Eas serrated edges along top and bottom of the title.

*Black light feature. Under light the "STATE SEAL"

appears on the face of the title.

VIRGINIA..... Has serrated edges along all four sides of the title. Genuine title *Uses bonded paper.

*I.B.M. printing is used on face of title.

WASHINGTON.... No data is available at this time. Genuine title

WEST VIRGINIA. . Eas servated edges along all four sides of the title. Genuine title *Uses bonded paper.

WISCONSIN Has serrated edges along top and bottom of the title. Genuine title *Black light feature. Under light the words "STATE OF WISCONSIN" appear on rear side of title.

MONTANA..... Stolen or missing title certificates reported:

*78-F59001 thru 78-F59500

*78-F63001 thru 78-F63500

*58-H02532 thru 58-H02575

*56-H15621 thru 56-H16500

*56-H17000 thru 56-H19500

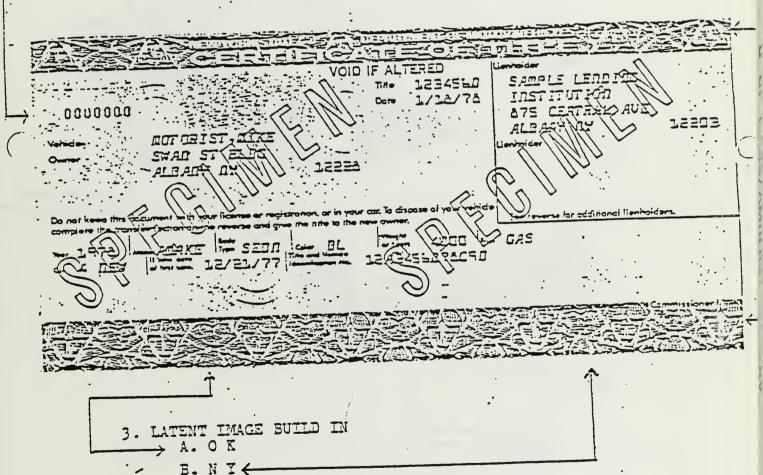
63540 thru 63600

Richard M. Biagioni Detective Sergeant

NEW YORK STATE TITLE WITH STARTING ISSUING DATE OF JAMUARY 26. 1978

1. GREEN BORDER IS OF INTAGLIO STEEL PLATE PRINTING .

2. CONTROL NUMBER IS PRINTED IN RED (all numerals)



4. BLACK LIGHT NEW YORK STATE . SEALS (front & rear)

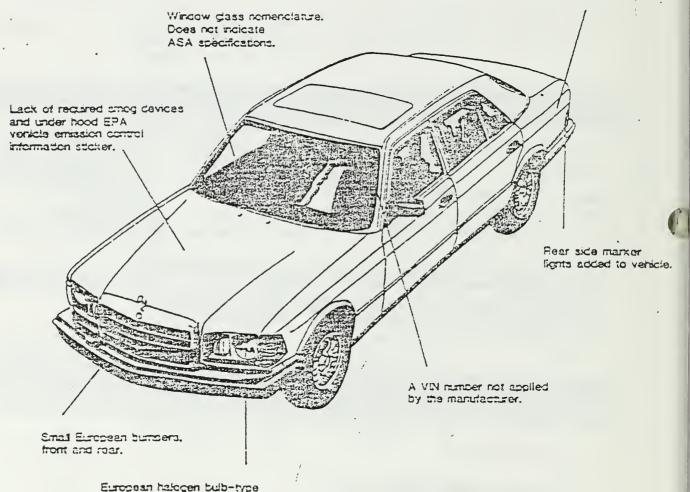
GRAY MARKET CAR CONVERSION

Cost in Germany \$34,000 \$3,000 Duty/Shipping \$5,000 USA Modification \$42,000 Total

> heedigms flush prisms. Not sealed beam. May have hiper blades.

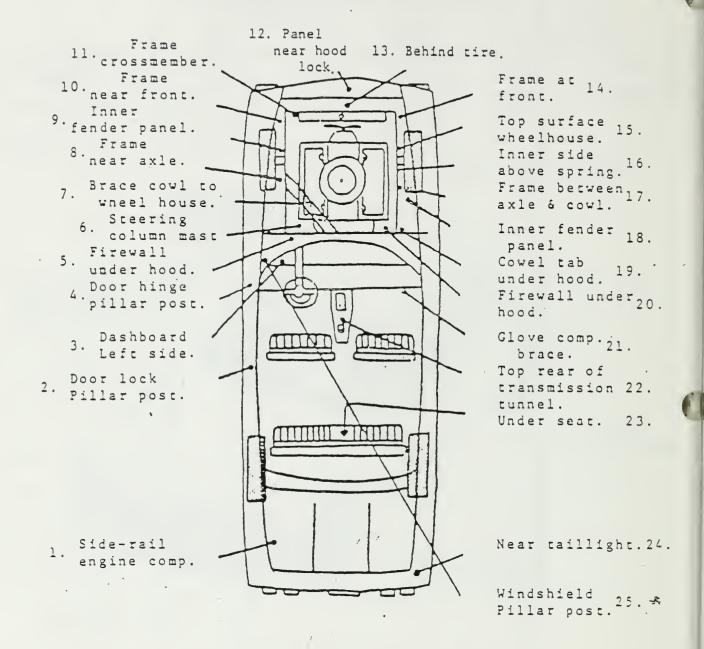
Cost in U. \$52,000.0

No unleaded or diesel gas spokers on cashboard and adjacent fixel cab.



Mercedes-Benz 500SEL

| POSITION OF VI | I:: | American Motors | Genera∓ V | MANUFACTUR | | | | |
|----------------|-----------------|-------------------------|--------------------------|---------------------------|-------------------------|-------------------------|-------------------------|---------------------------|
| CHAR | | 1 | Motors | Chrysler | Ford | 12% | Toyota | Datsun |
| 1 | | Nation of Origin | Nation of Origin | Nation of Origin | Nation of Origin | Nation of Origin | Matiem of Origin | Nation of Origin |
| 2 | | Manuf. Symbol | Manuf. Symbol | Make | Manuf. Symbol | /Make \ | Manuf. Symbol | Make |
| : | ben as a label | lvey | 1 Make or Sype | Velicate type | Wehsel. Type | 2 Char. | Venicle Tyre | l.vnc |
| ÷ | EK-year W. | Engine | Restraint | Restraint | Restraint | Series | Encine | Engine |
| 5 | DATE STATE OF | Transmissic | n Car Line | Car Line | Constant P= Passeng | Engine | Line | Line |
| 6 | TO SECOND | Car Line | Boe; | Series | Line Series | Restraint | Model Code | Model Change |
| 7 | DICECUSCION OF | Body Type | Type Symbol | Body Type | Body / | Model | (Grade) Series | Eog: |
| 8 | F-C MACHINES IN | Restraint | Engine ' | Engine | Engine | Char. | Body Type Restraint | Restraint |
| ò | COCACATORY NATA | Check Digit | Check Digit | Check Digit | Check Digit | Check Digit | Check Digit | Check Digi |
| 10 | an decimou o | Model Year | Model Year | Model Year | Model Year | Model Yea | Model Year | Model Year |
| 11 | - E | | | Assembly Plant Code | Assembly Plant Code | Assembly Plant | Assembly Plant Code | Assembly ; Plant Codi |
| 12 | | | Sequential Prod. No. | Sequential Prod. No. | | Sequential | Sequential Prod. No. | Sequencia. Prod. No. |
| 13 | Million Dicks | Sequential Frod. No. | Sequential Prod. No. | Sequential Prod. No. | Sequential Prod. No. | Sequential Prod. No. | Sequentia: Prod. No. | Sequential Prod. No. 1 |
| : . | CAVALONIA | Prod. No. | Sequential Prod. No. | Sequential Prod. No. | Sequential Prod. No. | Sequentia) Prod. No. | Sequential Francia | Securition Prod. No. |
| 1.5 | | Sequential Prod. No. | Sequential Prod. No. | | Sequential Prod. No. | Sequential Prod. No. | Sequential Frod. No. | Sequential Prod. Na. |
| 10 | | Sequential Prod. No. | Sequential Prod. No. | | | Sequential Prod. No. | Sequential Prod. No. | Sequential Prod. No. |
| 17 | | Sequential Prod. No. | Sequential Prod. No. | Sequential S Prod. No. | Sequential Prod. No. | Sequential Prod. No. | Sequentia! | Sequential Prod. No. |



All passenger vehicles manufactured for sale in the U.S. after 1969 will have a "VIN" number located on the dashboard or windshield frame, so as to be visible from outside the vehicle.

| | Falson | WILLYS |
|-----------------------|---------------------------|--------------------|
| BUICK | Falcon 1960-1961 4 & 7 | 1955-1968 4.5.& 20 |
| | 1960-1961 4 % / | 2,55 2,55 1 7 7 7 |
| 1961-1962 4 & 5 | 1962 7 | TUMORTED CARS |
| 1063 5 | 1962 / | IMPURIED CARD |
| 1964 4 & 5 | 104/-1967 4 8 9 | FOSTIM-MENT |
| 1965-1967 4 | 1968-1971 3 (rt.sd.) | 1958-1961 3 |
| 1965-1967 7 | | 1962-1967 20 |
| 1968-1975 3 | Mustang | 1968-1969 9 |
| | 1963-1967 4 & 9 | 1970-1975 3 |
| CADILLAC | 1903-1907 4 6 7 | |
| 1955-1958 17 | 1968-1975 3 (rt.sd.) | SPRITE |
| 1959-1962 10 | | 1964-1967 9 |
| 1963-1964 11 | Thunderbird | |
| 1965-1967 8 & 14 | 1955-1959 4 & 17 | DATSUN |
| 1968-1975 3 | 1960 4 & 15 | (ALL) 9 |
| 1900-1975 5 | 1961-1966 4 & 12 | 1970-1975 3 |
| | 1967 4 & 19 | _9/0-19/3 5 |
| CHEVROLET | 1968-1975 3 (rt.sd.) | FIAT |
| 1955-1967 4 | 1908-1975 5 (1909-17) | (ALL) 20 |
| 1968-1975 3 | | 1970-1975 3 |
| | Imperial | 1970 1979 0 0 |
| CORVAIR | 1955-1958 4 | JAGUAR |
| 1959-1964 2 | 1959 4 & 5 | 1959-1960 20 |
| 1965-1967 1 | 1960-1967 4 | "XK" |
| 1968-1969 3 | 1968-1975 3 | 1962-1969 14 & 20 |
| 1968-1969 3 | | 1970-1975 3 |
| | Lincoln | Mark X |
| CORVETTE | 1955-1958 4,14,8 24 | |
| 1955-1960 2 | 1955-1950 4,14,5 | 1963 15 |
| 1961-1962 6 | 1959-1960 4 & 24 | 1964-1967 9 |
| 1963-1967 21 | 1961-1965 4 & 18 | 1970-1975 3 |
| 1968-1975 25 | 1966-1967 4 & 16 | "4.2" Sedan |
| •• | 1968-1975 3 (rt.sd.) | 1967 18 |
| CHRYSLER, DODGE, AND | | 1968 14 |
| 77.111.011771 | MERCURY | |
| 1955-1958 4 | 1955-1958 4,14,817 | MG |
| | 1959-1962 4 & 17 | PKE-1903 J |
| 1959 4 & 5 | 1963-1967 4 & 20 | Mark II |
| 1960-1967 4 | 1968-1975 3 (rt.sd.) | 1966-1968 18 |
| 1968-1975 3 | 1900-1975 5 (10.500) | Sports Sedan |
| | • | 1964-1965 12 |
| FORD | Comet | 1966-1968 11 |
| 1955-1958 4 & 14 | 1960-1962 4 & 7 | 1968-1975 3 |
| 1959-1962 4 & 17 | 1963 4,7,8 9 | 1908-1975 5 |
| 1963-1967 4 & 20 | 1964-1967 4 & 9 | , MGB |
| 1968-1975 3 (rt.sd.) | | f:·}966-1968 19 |
| 1968-1975 5 (19.54) | | 1969-1975 3 |
| | OLDSMOBILE AND PONTIAC | 1909-1975 |
| Club Wagon & Bus | 1955-1967 4 | OPEL |
| 1963-1966 24 | 1968-1975 3 | (ALL) 15 |
| 1967 22 | 1300-13/2 • • 3 | 1975 3, 25 |
| 1968-1975 3 (rt.sd.) | | |
| | RAMBLER | PORSCHE |
| Fairlane | 1955-1958 2 | (ALL) 4 & 13 |
| 1955-1961 4 & 17 | 1959-1967 15 | 1970-1975 3 |
| 1962-1967 4 & 9 | 1968 4,14,8 20 | _, |
| 1962-1967 4 d 3 | | |
| 1968-1973 5 (10.34.7) | • | |
| | | |

RENAULT
Pre-1968 . . . 20
1968 13
1970-1975 . . 3

TOYOTA
1964 14
1965-1968 . . 20
1969 . . . 18
1970-1975 . . 18,9 & 4

TRIUMPH
Pre-1970 . . 9,18 & 20
1970-1975 . . 4

VOLKSWAGEN
Pre-1970 . . 13 & 23
1970-1975 . . 3

VOLVO

(ALL) . . . 3, 25

HAZARDOUS MATERIALS RECOGNITION AND IDENTIFICATION

PURPOSE The police officer will be able to recognize Hazardous Materials in either transportation or storage and will be aware of the associated dangers of these chemicals. The offier will be able to quickly identify the recommended safety procedures when confronted with these chemicals by using the EMERGENCY RESPONSE GUIDEBOOK.

I. Overview

A. Where the danger is

II. What are Hazardous Materials

- A. Virgin chemicals
- B. Hazardous substances
- C. Hazardous waste

III. Regulated Aspects

- A. Materials which may be carried
- B. Training
- C. Containers
- D. Shipping papers
- E. Labeling and Placarding
- F. Loading, unloading & storage

IV. Properties of the Major Hazards

- A. Chemical
- B. Physical

V. Risk

- A. Health & safety
- B. Property
- C. People environment

VI. Detection

- A. Occupancy/Location
- B. Container shapes
- C. Marking and colors
- D. Placards and labels
- E. Shipping papers
- F. Senses

VII. <u>Incident Cause</u>

- A. Human Error
- B. Package Failure
- C. Vehicle Accidents

con't

VIII.Hazard Classes

- A. Four most involved classes B. Additional hazard classes

The following listing of terms is not an all encompassing list of terms, phrases, or jargonese that can, do, or may apply to the wide spectrum of hazardous materials response.

I. General Definitions

ABSOLUTE PRESSURE: Gage pressure plus atmospheric pressure.

ABSORPTION: The taking in of toxic materials by contact with the skin.

AIR INVERSION: A meteorological condition in the earth's atmosphere in which the temperature of the air some distance above the earth's surface is higher than the air temperature of the surface. Normally, air temperatures decrease progressively as altitude increases. Such a condition traps air and released gases and vapors near the earth's surface, thus impeding their dispersion.

<u>AIR-REACTIVE MATERIAL</u>: Substances that will ignite at normal temperatures when exposed to air.

ASPHYXIATING MATERIALS: Substances that can cause death through displacing the oxygen in the air.

<u>BLEVE (BOILING LIQUID - EXPANDING VAPOR EXPLOSION)</u>: A major container failure, into two or more pieces, at a moment in time when the contained liquid is at a temperature well above its boiling point at normal atmospheric pressure.

BOILING POINT: The temperature at which the vapor pressure of a liquid equals the atmospheric pressure. The boiling point is an important indicator of the vapor pressure of a substance. A liquid with a low boiling point (less than 100° F - 37.7° C - has a high vapor pressure. This will, in turn, indicate a tendency to BLEVE.

BULK CONTAINER: A cargo container, such as that attached to a tank truck or tank car, used for transporting materials in bulk quantities.

BUNG: A cap or screw used to cover the small opening in the top of a metal drum or barrel.

<u>CARGO MANIFEST</u>: A shipping paper that contains all of the contents being carried by the transporting vehicle or vessel.

CHEMICAL PROPERTIES: Properties of a material that relate to toxicity, flammability, or chemical reactivity.

CHEMTREC: The Chemical Transportation Center, a telephone hotline for emergencies (Phone: 800-424-9300).

<u>CLASS A EXPLOSIVES</u>: A material or device that presents a maximum hazard through detonation.

CLASS B EXPLOSIVE: A material or device that presents a flammable hazard and functions by deflagration.

CLASS C EXPLOSIVE: A material or device that contains restricted quantities of either Class A or Class B explosives or both, but presents a minimum hazard.

CLASS A POISON: A poisonous gas or liquid of such nature that a very small amount of the gas, or vapor of the liquid, is dangerous to life.

CLASS B POISON: A substance that is known to be so toxic to human life that it affords a severe health hazard during transportation.

CODE OF FEDERAL REGULATIONS (abbreviated CFR): The formal name given to those books or documents that contain the specific regulations provided for by the law.

COMBUSTION EXPLOSION: Sudden fracture of a container or structure accompanied by a shock wave (sound) due to overpressure created by the attempt of a gas (often mainly air) within the container or structure to expand because of absorption of heat produced by combustion of a flammable mixture within the structure.

COMBUSTIBLE LIQUID: Any liquid that has a flash point at or above 100° F (37.7° C) and below 200° F (93.3° C).

COMPRESSED GAS: Any material or mixture having in the container absolute pressure exceeding 40 psi at 70° F (21° C), or having an absolute pressure exceeding 104 psi at 130° F (54° C).

COMPRESSED GAS IN SOLUTION: A nonliquidfied gas that is dissolved in a solvent, but at high pressures.

CONSIGNEE: The person who is to receive a shipment.

<u>CONSIST</u>: A rail shipping paper similar to a cargo manifest. It may contain a list of the cars in the train in order or a list of those cars carrying hazardous materials and their location on the train.

CONTAINER SPECIFICATION NUMBER: A number found on a shipping container preceded by the initials DOT, which indicate that the container has been built according to federal specifications.

<u>CONTROL AGENTS</u>: Any material that is used to contain or extinguish a hazardous material or its vapors.

CORRECTIVE ACTIONS: Actions taken by the incident commander to correct the problem at hand in a hazardous materials emergency.

CORROSIVE MATERIAL: Any liquid or solid that can destroy human skin tissue, or a liquid that has severe corrosion rate on steel.

CYROGENS: Gases that must be cooled to a very low temperature in order to bring about a change from a gas to a liquid.

DANGEROUS CARGO MANIFEST: A cargo manifest used on ships that contain a list of all the hazardous materials on board, including their location.

<u>DOME</u>: The circular fixture on the top of a tank car that contains valves and relief devices.

<u>DETONATION</u>: A wave that passes along the body of an explosive, instantaneously converting the explosive into a gas, e.g., dynamite.

<u>DEFLAGRATION</u>: The intense burning rate of some explosives, e.g., fireworks.

EMERGENCY SHUT-OFF LEVERS: A means of operating a valve that stops the flow of a liquid.

ENDANGERED PERSON: Those persons who are in the exposure area created by a hazardous materials incident.

EXCESS FLOW VALVE: A safety valve designed to shut off the flow of a liquid when the flow rate exceeds a set rate.

ETIOLIGIC AGENT: A living micro-organism that may cause human disease, e.g., germs.

EXPLOSIVE: A material capable of burning or bursting suddenly and violently.

EXPOSURES: People, property, or the environment that are or that may be exposed to the harmful effects of a hazardous materials—emergency.

FEEDBACK: An element of a system that is the return of a portion of the outputs to the input. This allows the system to evaluate itself.

FLAME IMPINGEMENT: The points where flames contact the surface of a container.

FLAMMABLE MATERIAL: A substance that is capable of being easily ignited and of burning rapidly.

FLAMMABLE GAS: Any gas that will burn.

FLAMMABLE LIQUID: Any liquid that has a flash point below 100° F (37.7° C).

FLAMMABLE SOLID: Any material, other than an explosive, that is liable to cause fires through friction, retained heat from manufacturing or processing, or that can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard.

FLASH POINT: The minimum temperature at which a liquid gives off enough vapors to form an ignitible mixture with the air near the surface of the liquid.

FULL PROTECTIVE CLOTHING: Clothing that will prevent gases, vapors, liquids, and solids from coming in contact with the skin. Full protective clothing includes the helmet, self-contained breathing apparatus, coat and pants customarily worn by firefighters (turn-out or bunker coat and pants), rubber boots, gloves, bands around legs, arms and waist, and face mask, as well as covering for neck, ears, and other parts of the head not protected by the helmet, breathing apparatus, or face mask.

FUSIBLE PLUGS: A safety relief device in the form of a plug of low melting metal. The plugs close the safety relief device channel under normal conditions, and are intended to yield or melt at a set temperature to permit the escape of gas.

HAZARD CLASS: A group of materials, as designated by the Department of Transportation, that share a common major hazardous property, i.e., radioactivity, flammability.

HAZARDOUS MATERIAL: A substance or material in a quantity or form that may pose an unreasonable risk to health and safety, or property, when transported in commerce.

INCIDENT COMMANDER: The person who has the responsibility for total operations at a hazardous materials emergency.

INCIPIENT FIRES: Fires that are in the beginning stages.

INDIVIDUAL CONTAINER: A cargo container, such as a box or drum, used to transport materials in small quantities.

INGESTION: The taking in of toxic materials through the mouth.

INHALATION: The taking in of toxic materials by breathing through the nose or mouth. IGNITION TEMPERATURE: That temperature at which a fuel or substance ignites and the flame is self-propagating.

IRRITATING MATERIALS: Liquids or solid substances which, upon contact with fire or when exposed to air, give off dangerous or intensely irritating fumes.

<u>LABELS</u>: Four-inch-square diamond markers required on individual shipping containers that are smaller than 640 cu. ft.

LIQUIFIED GAS: A gas that is partially liquid at a temperature of 70° F (21° C).

NONFLAMMABLE GAS: A compressed gas not classified as flammable.

NONLIQUIFIED GAS: A gas that is entirely gaseous at a temperature of 70° F (21° C).

N.O.S.: Not otherwise specified.

<u>OBJECTIVE</u>: A main purpose to be achieved by tactical units at a hazardous materials emergency.

ORGANIC PEROXIDE: An organic derivative of the inorganic compound hydrogen peroxide.

ORMS (Other Regulated Materials): Materials that do not meet the definitions of hazardous materials, but possess enough hazard characteristics that they require some regulation. (This relates to ORM-A, -B, and -C; ORM-D materials are hazardous materials transported in small quantities.)

OXIDIZERS: A substance that yields oxygen readily to stimulate the combustion of organic matter and inorganic matter.

OXIDIZING ABILITY: The ability to yield oxygen readily to stimulate combustion.

<u>PACKAGE MARKINGS</u>: The descriptive name, instructions, cautions, weight, or specification marks required to be placed upon outside containers of hazardous materials.

<u>PACKAGING</u>: A broad term used by the Department of Transportation to describe shipping containers, and any markings, labels, or placards affixed to them.

PHYSICAL PROPERTIES: Properties of a material that relate to the physical states common to all substances, i.e., a solid, a liquid, or a gas.

<u>PLACARDS</u>: 10-3/4 in. (273.0 mm) square diamond markers required on the transporting vehicle such as a truck or tank car, or a freight container 640 cu. ft. (18.1 m³) or larger.

PREVENTIVE ACTIONS: Actions taken by the incident commander at an emergency to prevent the problem from increasing, thereby keeping losses to a minimum.

PYROPHORIC LIQUID: Any liquid that ignites spontaneously in dry or moist air at or below 120° F (54° C).

RADIOACTIVE MATERIAL (RAM): Any material that spontaneously emits ionizing radiation.

<u>REACTIVE MATERIALS</u>: Substances capable of or tending to react chemically with other substances.

<u>RESOURCES</u>: All of the immediate or supportive assistance available to help control an incident; including personnel, equipment, control agencies, and printed emergency guides.

RUPTURE DISC: A safety relief device in the form of a metal disc that closes the relief channel under normal conditions. The disk bursts at a set pressure to permit the escape of gas.

SAFETY RELIEF VALVE: A device found on pressure cargo tanks containing an operating part that is held in place by spring force. Valve opens at set pressures.

SHEER SECTION: A safety feature, incorporated in cargo tank piping and fittings, designed to fail or break completely to prevent damage to shutoff valves or the tank itself.

<u>SPECIFIC GRAVITY</u>: The weight of a substance as compared to the weight of an equal volume of water.

<u>SPONTANEOUSLY COMBUSTIBLE</u>: The process of increase in temperature of a material to a point of ignition, without drawing heat from its surroundings.

SHIPPING PAPERS: A shipping order, bill of lading, manifest, or other shipping document issued by the carrier.

STABILIZATION: The stage of an incident when the immediate problem or emergency has been controlled, contained, or extinguished.

STRESS: A state of tension put on or in a shipping container by internal chemical action, external mechanical damage, or external flames or heat.

<u>SYSTEM</u>: The organization of any human undertaking in order to reach a specific goal.

TACTICS: Successful methods or procedures used to deploy various tactical units (resources) to achieve objectives.

TECHNICAL ASSISTANCE: Personnel, agencies, or printed materials that provide technical information on the handling of hazardous materials.

TOTALLY ENCAPSULATED SUITS: Special protective that prevents toxic or corrosive substances or vapors from coming in contact with the body.

TOXIC MATERIALS: Substances that can be poisonous if inhaled, swallowed, or absorbed into the body through cuts or breaks in the skin.

<u>UNSTABLE MATERIALS</u>: Substances capable of rapidly undergoing chemical changes or decomposition.

VAPOR DENSITY: The weight of a given volume of pure vapor or gas compared to the weight of an equal volume of dry air at the same temperature and pressure. A figure less than one indicates a vapor lighter than air; a figure greater than one indicates a vapor heavier than air.

WATER-REACTIVE MATERIALS: Substances, generally flammable solids, that will react in varying degrees when mixed with water or when they come in contact with humid air.

WATER SOLUBILITY: The ability of a liquid or solid to mix with or dissolve in water.

<u>WAYBILL</u>: The shipping paper prepared by the railroad from a bill of lading. Waybills generally accompany a shipment and are carried by the conductor in the caboose of the train.

II. Radioactive Materials Definitions

The following definitions were abstracted from Docket HM-169/Federal Register/Vol. 48, No. 48/Thursday, March 10, 1983. This Docket is to

be incorporated in the Code of Federal Regulations, Title 49, Parts 100-177.: These definitions are found in Section 173.403.

- A₁ The maximum activity of special form radioactive material permitted in Type A package.
- A₂ The maximum activity of radioactive material, other than special form or low specific activity radioactive material, permitted in a Type A package. These values are either listed in Section 173.435 or if not listed, may be derived in accordance with the procedure prescribed in Section 173.433.

CLOSED TRANSPORT VEHICLE: A vehicle equipped with a securely attached exterior enclosure that during normal transportation restricts the access of unauthorized persons to the cargo space containing the radioactive materials. The enclosure may be either temporary or permanent, and in the case of packaged materials may be of the "see-through" type, and must limit access from top, sides, and ends.

<u>CONTAINMENT SYSTEM</u>: The components of the packaging intended to retain the radioactive contents during transportation.

<u>CONVEYANCE</u>: Any vehicle, aircraft, vessel, freight container, or hold compartment or defined deck area of an inland waterway craft or seagoing vessel.

<u>DEPLETED URANIUM</u>: Uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

<u>DESIGN</u>: The description of a special form material, a package, or a packaging that enables those items to be fully identified. The description may include specifications, engineering drawings, reports showing compliance with regulatory requirements, and other relevant documentation.

ENRICHED URANIUM: Uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

EXCLUSIVE USE (Also referred to in other regulations as "SOLE USE" or "FULL LOAD": The sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee.

FISSILE MATERIAL: Any material consisting of or containing one or more fissile radionuclides. Fissile radionuclides are plutonium-238, plutonium-239, plutonium-241, uranium-233 and uranium-235. Neither natural nor depleted uranium are fissile material.

FREIGHT CONTAINER: A reusable container having a volume of 1.81 cubic meters (64 cubic feet) or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages in unit form during transportation. A small freight container is one which has either one outer dimension less than 1.5 meters (4.9 feet) or an internal volume of not more than 3.0 cubic meters (106 cubic feet). All others are designated as "large freight containers".

HIGHWAY ROUTE CONTROLLED QUANTITY: A quantity of radioactive material within a single package which exceeds:

- 3000 times the A₁ value of the radionuclides as specified in Section 173.433 for special form radioactive material;
- 2. 3000 times the A₂ value of the radionuclides as specified in Section 173.433 for normal form radioactive material; or
- 3. 30,000 curies, whichever is least.

LIMITED QUANTITY OF RADIOACTIVE MATERIALS: A quantity of radioactive material not exceeding the limits given in Section 173.423.

LOW SPECIFIC ACTIVITY MATERIAL (LSA): Any of the following:

- Uranium or thorium ores and physical or chemical concentrates of those ores.
- Unirradiated natural or depleted uranium or unirradiated natural thorium.
- Tritium oxide in aqueous solutions provided the concentration does not exceed 5.0 millicuries per milliliter.
- 4. Material in which the radioactivity is essentially uniformly distributed and in which the estimated average concentration per gram of contents does not exceed:
 - a. 0.0001 millicurie of radionuclides for which the A₂ quantity is not more than .05 curie:
 - 0.0005 millicurie of radionuclides for which the A₂ quantity is more than .05 curie, but not more than 1 curie; or
 - c. 0.3 millicurie of radionuclides for which the A₂ quantity is more than 1 curie.
- 5. Objects of nonradioactive material externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination, when averaged over an area of 1 square meter, does not exceed 0.0001 millicurie (220,000 disintegrations per minute) per square centimeter of radionuclides for which the A₂ quantity is not more than .05 curie or 0.001 millicurie (2,200,000 disintegrations per minute) per square centimeter for other radionuclides.

MULTILATERAL APPROVAL: Approval by both the appropriate competent authority of the country of origin and of each country through or into which the shipment is to be transported. This definition does not imply approval from countries over which radioactive materials are carried in aircraft, if there is no scheduled stop in that country.

NATURAL THORIUM: Thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

NATURAL URANIUM: Uranium with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235 and the remainder essentially uranium-238).

NON-FIXED RADIOACTIVE CONTAMINATION: Radioactive contamination that can be readily removed from a surface by wiping with an absorbent material.

NORMAL FORM RADIOACTIVE MATERIAL: Radioactive material which has not been demonstrated to qualify as "special form radioactive material".

<u>PACKAGE</u>: For radioactive materials, the packaging together with its radioactive contents as presented for transport.

PACKAGING: For radioactive materials, the assembly of components necessary to ensure compliance with the packaging requirements of this subpart. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may sometimes be designated as part of the packaging.

RADIATION LEVEL: The radiation dose equivalent rate expressed in millirem per hour (mrem/h).

RADIOACTIVE ARTICLE: Any manufactured device such as an instrument, clock, electronic tube or apparatus, or similar device having radioactive material as a component part.

RADIOACTIVE CONTENTS: The radioactive material, together with any contaminated liquids or gases, within the package.

RADIOACTIVE MATERIAL: Any material having a specific activity greater than 0.002 microcuries per gram (uCi/g) (See definition of "Specific Activity").

SPECIAL FORM RADIOACTIVE MATERIAL: Radioactive material which satisfies the following conditions:

- It is either a single solid piece or is contained in a sealed capsule that can be opened only be destroying the capsule;
- 2. The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and
- 3. It satisfies the test requirements of Section 173.469.

SPECIFIC ACTIVITY: Specific activity of a radionuclide is the activity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the activity per unit mass of the material.

TRANSPORT INDEX: The dimensionless number (rounded up to the first decimal place) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is determined as follows:

- The number expressing the maximum radiation level in millirem per hour at one meter (3.3 feet) from the external surface of the package; or
- 2. For Fissile Class II packages or packages in a Fissile Class III shipment, the number expressing the maximum radiation level at one meter (3.3 feet) from the external surface of the package, or the number obtained by dividing 50 by the allowable number of packages which may be transported together, whichever is larger.

TYPE A PACKAGE: A Type A packaging together with its limited radioactive contents. A Type A package does not require competent authority approval, since its contents are limited to A_1 or A_2 .

TYPE B PACKAGE: A Type B packaging together with its radioactive contents.

TYPE B(M): A Type B packaging, together with its radioactive contents, that for international shipments requires multilateral approval of the package design, and may require approval of the conditions of shipment. Type B(M) packages are those Type B package designs which have a maximum normal operating pressure of more than 7 kilograms per square centimeter (100 pounds per square inch) gauge or a relief device which would allow the release of radioactive material to the environment under the hypothetical accident conditions specified in 10 CFR Part 71.

TYPE B(U): A Type B packaging, together with its radioactive contents, that for international shipments, requires unilateral approval only of the package design and of any stowage provisions that may be necessary for heat dissipation.

TYPE A PACKAGING: A packaging designed to retain the integrity of containment and shielding required by this part under normal conditions of transport as demonstrated by the tests set forth in Sections 173.465 or 173.466, as appropriate.

TYPE B PACKAGING: A packaging designed to retain the integrity of containment and shielding required by this part when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR Part 71.

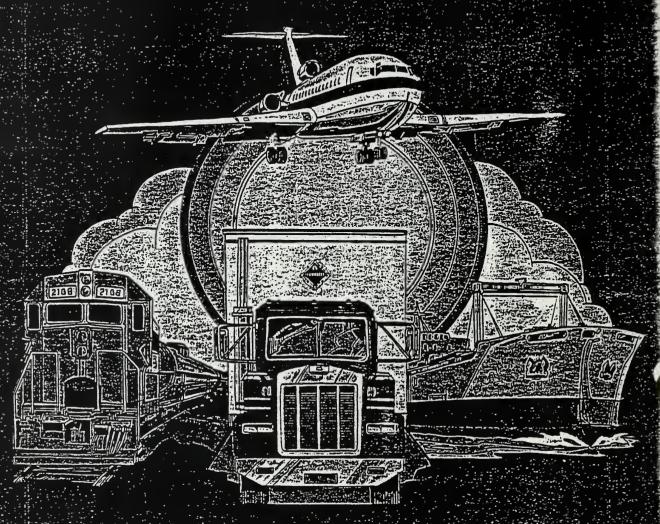
UNCOMPRESSED GAS: For the purposes of this subpart, gas at a pressure not exceeding the ambient atmospheric pressure at the time and location the containment system is closed. All other radioactive gases are considered to be compressed.

UNILATERAL APPROVAL: Approval by the competent authority of the country of origin only.

UNIRRADIATED THORIUM: Thorium containing not more than 10^{-7} grams uranium-233 per gram of origin only.

UNIRRADIATED THORIUM: Thorium containing not more than 10^{-7} grams uranium-233 per gram of thorium-232.

UNIRRADIATED URANIUM: Uranium containing not more than 10^{-6} grams plutonium per gram of uranium-235 and a fission product activity of not more than 0.25 millicuries of fission products per gram of uranium-235.



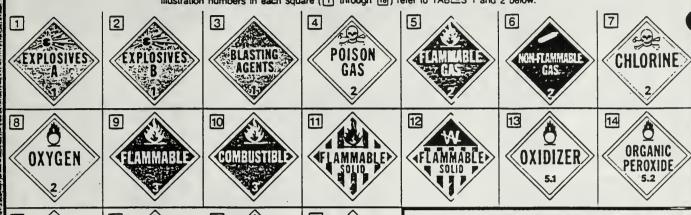


THE OFFICIAL
DEPARTMENT OF TRANSPORTATION
HAZARDOUS WATERIALS
PLACARDING & LABELING CHART

Hazardous Materials Waining Placates

DOMESTIC PLACARDING

Illustration numbers in each square (1 through 18) refer to TABLES 1 and 2 below.











[WHITE] SQUARE BACKGROUND FOR PLACARD

 Used for "HIGHWAY ROUTE CONTROLLED QUANTITY OF RADICACTIVE MATERIALS". (Sec. 172.507)

RAIL

 Used '2r RAIL SHIPMENTS-"EXPLOSIVE A." "POISON GAS" and "POISON GAS-RESIDUE" placards. (Sec. 172.510(a))

TABLE 1

| HAZARD CLASSES . | NO. |
|---|-------------|
| Class A explosives | 1 |
| Class B explosives | 2 |
| Poison A: | 4 |
| Flammable solid (DANGEROUS WHEN WET label only) | |
| Radioactive material (YELLOW III label) | |
| Radioactive material: | |
| Uranium hexafluonde fissile | |
| (containing more than 1.0% U ²³⁵) | 5 17 |
| Uranium hexafluoride, low-specific activity (containing 1.0% or | |
| less U ²³⁵ 16 | |
| MOTE. For details as the control Tables 4 and 6 | |

NOTE: For details on the use of Tables 1 and 2, see Sec. 172.504 (See footnotes at bottom of tables.)

Guidelines

(CFR, Title 49, Transportation, Parts 100-177)

- Placard motor vehicles, freight containers, and rail cars containing any quantity of hazardous materials listes in TABLE 1.
- Plecard motor vehicles, freight containers and reil cars containing 1,000 pounds or more gross weight of hazardous materials classes listed in TABLE 2.
- Placard freight containers 640 cubic feet or more containing any quantity of hazardous material classes listed in TABLES 1 and/or 2 when offered for transportation by air or water. Under 640 cubic feet see Sec. 172.512(b).

CAUTION

CHECK EACH SHIPMENT FOR COMPLIANCE: WITH THE APPROPRIATE HAZARDOUS MATERIALS REGULATIONS-Proper Classification Merking Placarding Packaging Labeling Documentation

Sec. 172.504 (See footnotes at bottom of tables.)

PRIOR TO OFFERING FOR SHIPMENT

TABLE 2

| HAZARD CLASSES | "NO. |
|-----------------------------|------|
| Class C explosives | 18 |
| Blasting agent | |
| Nonflammable gas | |
| Nonflammable gas (Chlorine) | |
| Nonflammable gas (Fluorine) | 15 |
| Nonflammable gas | |
| (Oxygen, cryogenic liquid) | |
| Flammable gas | |
| Combustible liquid | |
| Flammable liquid | |
| Flammable solid | |
| Oxidizer | |
| Organic peroxide | |
| Poison B | |
| Corrosive material | |
| Irritating material | 18 |

INTERNATIONAL PLACARDING

- Most International placards are similar (color and pictorial symbol(s) to the Domestic placards illustrated above.
- International placards are enlarged ICAO or IMO labels (See International Labeling—Otherside).
- Placard MUST correspond to hazard class of material.
- Placard ANY QUANTITY of hazardous materials when loaded in FREIGHT CONTAINERS, PORT-ABLE TANKS, RAIL CARS and HIGHWA' VEHICLES.
- International placards may be used in addition to DO* placards for international shipments.

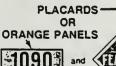
When required, Subsidiary Risk placards must be displayed in the same manner as Primary Risk placards. Class numbers are not shown on Subsidiary Risk placards.

- COMPATIBILITY GROUP DESIGNATORS musi be displayed on EXPLOSIVES PLACAROS.
- UN CLASS NUMBERS and DIVISION NUMBERS
 MUST be displayed on hazard class placards when
 required.

UN and NA Identification Numbers

- The lour digit UN or NA numbers must be displayed on all hazardous materials packages for which identification numbers are assigned. Example: ACETONE UN 1090.
- UN (United Nations) or NA (North American) numbers are found in the Hazardous Materials Tables, Sec. 172.101 and 172.102 (CFR, Title 49, Parts 100-199)
- Identification numbers may not be displayed on 3POISON GAS," "RADIOACTIVE" or "EXPLOSIVE" placards. ISec. 172.3341
- UN numbers are displayed in the same manner for both Domestic and International shipments.
- NA numbers are used only in the USA and Canada.

When hazardous materials are transported in Tank Cars, Cargo Tanks and Portable Tanks, UN or NA numbers must be displayed on:



Appropriate Placard must be used.



EUROPEAN NUMBERING SYSTEM-

Top Number—Hazard Index (Identification of Danger, 2 or 3 figures) Example: 33 = highly inflammable liquid.

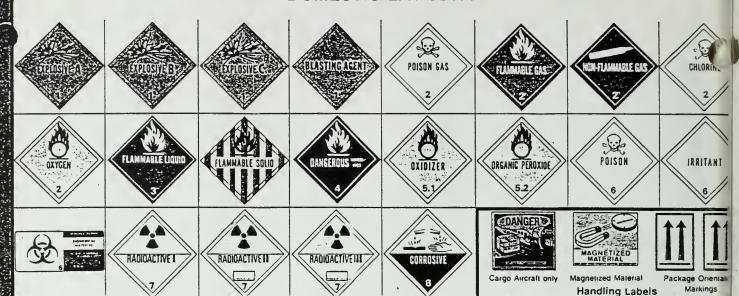


Bottom Number—UN Number of substance Example: 1088 ACETAL

For more complete details on identification Numbers see Sec. 172,300 through 172,338.

Hazardous Waterials Wathing Labels

DOMESTIC LABELING



General Guidelines on Use of Labels

(CFR, Title 49, Transportation, Parts 100-177)

- Labels illustrated above are normally for domestic shipments. However, some air carriers may require the use of International Civil Aviation Organization (ICAO) labels.
- Domestic Warning Labels may display UN Class Number, Division Number (and Compatibility Group for Explosives only.) Sec. 172.407(g).
- Any pesson who offers a hazardous material for transportation MUST label the package, if required. [Sec. 172.400(a)].
- The Hazardous Materials Tables, Sec. 172.101 and 172.102, identify the proper label(s) for the hazardous materials listed.

- Label(s), when recuired, must be printed on or affixed to the surface of the package near the proper shipping name. [Sec. 172,406(a)].
- When two or mcre different labels are required, display them next to each other. [Sec. 172.406(c)].
- Labels may be affixed to packages (even when not required by regulations) provided each label represents a hazard of the material in the package. [Sec. 172-401].

Check the Appropriate Regulations

Domestic or International Shipment

UN Class Numbers

Class 1-Explosives

Class 2—Gases (compressed, liquifled or dissolved under pressure)

Class 3-Flammable liquids

Class 4-Flammable solids or substances

Class 5—Oxidizing substances
Division 5.1-Oxidizing substances or agents.
Division 5.2-Organic peroxides.

Class 6-Poisonous and infectious substance

Class 7-Radioactive substances

Class 8-Corrosives

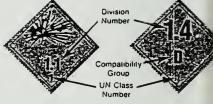
Class 9—Miscellaneous dangerous substances

INTERNATIONAL LABELING



EXAMPLES OF INTERNATIONAL LABELS

- These are examples of International Labels not presently used for domestic shipments.
- Text, when used Internationally may be in the language of the country of origin.
- Most of the domestic labels (illustrated above) may be used internationally.



EXAMPLES OF EXPLOSIVE LABEL!

- The NUMERICAL DESIGNATION represents I CLASS or DIVISION.
- ALPHABETICAL DESIGNATION represents to COMPATIBILITY GROUP (for Explosives Only
- DIVISION NUMBERS and COMPATIBILITY GROUP combinations can result in over 30 c ferent "Explosives" labels (see IMDG Code/ICAL

For complete details, reler to one or more of the following:

- Code of Federal Regulations, Title 49, Transportation. Parts 100-199. [All Modes]
- International Civil Aviation Organization (ICAO) Technical Instructions for the Sale Transport of Dangerous Goods by air, [Air]
- International Maritime Organization (IMO) Dangerous Goods Code. [Water]
- "Transportation of Dangerous Goods Regulations" of Transport Canada. [All Modes]



U.S. Department of Transportation

Research and Special Programs Administration

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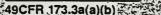
CHART 8
REV. FEBRUARY 198
STYLE CU-F21



OTHER REQUIRED PLACARDING, LABELING AND MARKINGS

For additional information, see CODE OF FEDERAL REGULATIONS—TITLE 49







49CFR 172.510



49CFR:172:316



49CFR 172.507(a)



49CFR 172.510(a)



49CFR:172.510(a



49CFR 172.316



CYLINDER LABELS 49CFR: 172:400(b)(2)(iii)



\$49CFR 172:316

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RESPONDING TO HIGH RISK CALLS

PURPOSE The purpose of this program is to make officers aware of the inherent dangers associated with "high risk" calls for service. The program will also suggest possible ways of modifying preconceived notions of how to respond to a call, and hopefully reduce the incidences of "tombstone courage." The program also hopes to reduce the potential liability associated with such responses.

I. Introduction

II. Types of "High Risk" Calls

- A. Breaking & Entering
- B. Robbery in Progress
- C. Man with a Gun/Assault by Means/ Assault & Battery with Deadly Weapon
- D. Suicidal

III. Off Duty Considerations

Most rules and regulations permit an officer to cary his shield, ID and weapon off duty. Some also prohibit getting involved in minor traffic offenses or neighborhood disputes off duty.
If you carry a badge off duty, carry a gun....If you carry a gun, carry a badge.

IV. What is Officer Survival?

- A. Attitude/Mind Set
- B. Survival consciousness

V. <u>High Speed Pursuits/Response</u>

- A. Liability of such pursuits
- B. Safe response

VI. Responding to Motor Vehicle Accidents

- A. Seat belts
- B. Evaluation of situation

VII. Fires/Explosions/Downed Aircraft

con't.

VIII. Conclusion

- A. Be SURVIVAL CONSCIOUS
- B. Wear a BALLISTIC VEST C. Wear a SEAT BELT D. Use good tactics

OFFICER SURVIVAL: RESPONDING TO HIGH RISK CALLS

The purpose of this program is to make officers aware of the inherent dangers of associated with "high risk" calls for service. The program will also suggest possible ways of modifying preconceived notions on how to respond to a call, and hopefully reduce the incidences of "tombstone courage." The program also hopes to reduce the potential liability associated with such responses.

OFFICER SURVIVAL CREED

The will to survive, to survive the attack, must be uppermost in my mind. For the one who lives through a fight is better off than one who does not. Therefore, preparation and not paranoia is the key to my survival. To survive I must be aware, be alert, be confident, be deceptive, be decisive, and be ready. I must expect the unexpected and do the unexpected.

When faced with violent physical assault my life depends upon my reaction without physical hesitation. There is no time to ponder because to ponder is to possibly perish. My response, if attacked, must not be fear but aggressiveness. I must block out all thoughts of my own peril and think only of stopping my assailant.

My prize in personal defense is my life. The perfect fight is one that is over before the loser realizes what is happening. The perfect defense is a counter attack that succeeds before the enemy can attack again. Therefore, If I am assaulted, I will retaliate instantly. I will be sudden and quick. I will be fast, not fair. Speed is my salvation.

If my attacker knocks me down, I will fight back against the odds and get up off the ground. I will seize the initiative and take every advantage. My concern is to stay alive. I won't hold back.

If I find myself under lethal attack, I won't be kind. I will be harsh and tough. If I must shoot, I will shoot with precision and shoot to stop. If I must use my hands I will use them with all the strength I possess and more. When I strike, I will strike hard; I will kick, punch, and do whatever must be done to survive. I will strike no more after my attacker is incapable of further action, but I will see that he is stopped.

Above all, I won't give up and I will make it. I will not die in the streets, or in an alley, or in any other part of the concrete jungle. I will survive; not just by good luck and good fortune, but by my skills.

If I adhere to these basic principles of survival and adhere to the attitude that is suggested in them, as a police officer, I will greatly enhance and perfect my skills in utilizing good and safe practices, tactics and techniques.

Officer Peter M. Lopez Los Angeles Police Dept. Harbor Division

SURVIVAL THINKING & BELIEVING

- 1. ON ANY HIGH RISK CALL, I WILL SURVIVE
- 2. I HAVE SUCCEEDED ON DANGEROUS CALLS BEFORE
- 3. I KNOW THE TACTICS I NEED
- 4. I KNOW HOW TO MAKE THE PHYSICAL MOVES I NEED
- 5. I AM SKILLED WITH MY FIREARMS
- 6. I CAN STAY FOCUSED ON WHAT I HAVE TO DO
- 7. I CAN TAKE CARE OF MYSELF
- 8. I HAVE OPTIONS FOR CONTROLLING ANY PROBLEM
- 9. I TAKE EACH CALL STEP BY STEP, WITHOUT RUSHING
- 10. I CAN BREATHE DEEPLY TO CONTROL STRESS'ANY TIME I START FEELING TENSE
 - 11. I CAN KEEP ANY SITUATION WITHIN LIMITS I CAN HANDLE
 - 12. I CAN DECIDE NOT TO BE AFRAID
 - 13. I CAN DEFEAT ANY THREAT AGAINST ME
 - 14. I CAN USE DEADLY FORCE TO SAVE MY LIFE OR THE LIFE OF SOMEONE ELSE
 - 15. I CAN SURVIVE AND KEEP GOING, NO MATTER WHAT, EVEN IF I AM HIT

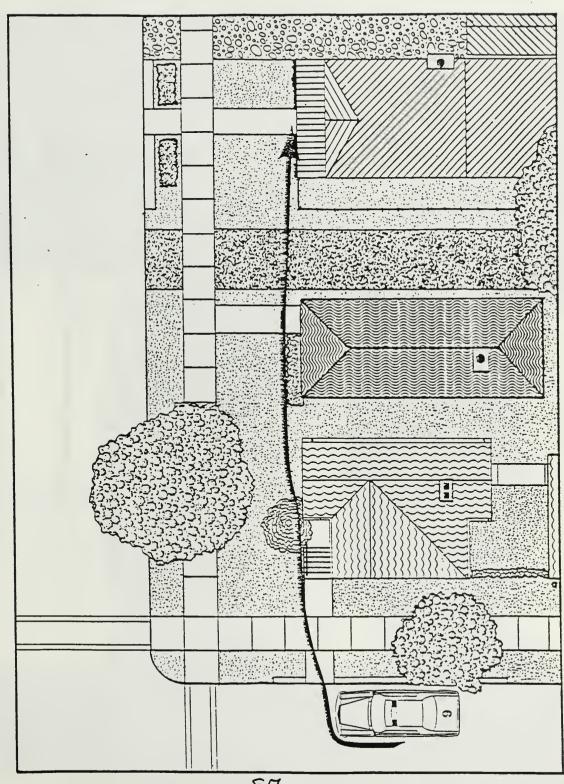
MAN WITH A GUN RESPONSE PLANNING

ASK YOURSELF THE FOLLOWING QUESTIONS:

- 1. HOW WILL I APPROACH THE SCENE?
- 2. WHERE CAN I PARK TO AVOID DETECTION?
- 3. WHAT WEAPONS WILL I EMPLOY?
- 4. HOW MUCH ASSISTANCE WILL I NEED?
- 5. HOW SHOULD I DEPLOY BACK UP UNITS TO SEAL OFF THE SCENE
- 6: WHAT FACTS DO I KNOW ABOUT THE SUBJECT AND THE LOCATION

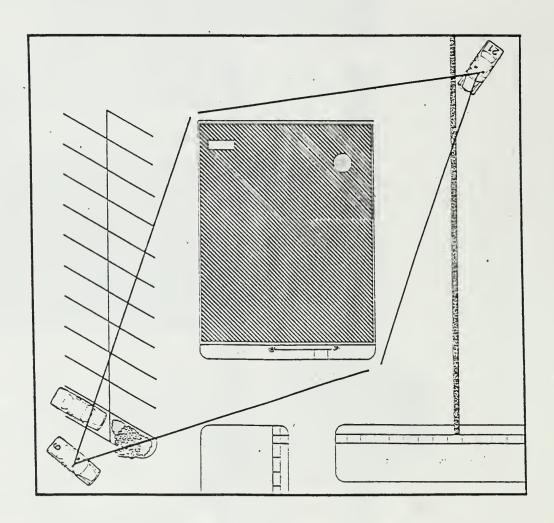
TACTICAL APPROACHES

DOMESTIC DISTURBANCES: One of the proper methods of approaching a residence for a domestic disturbance is as follows:



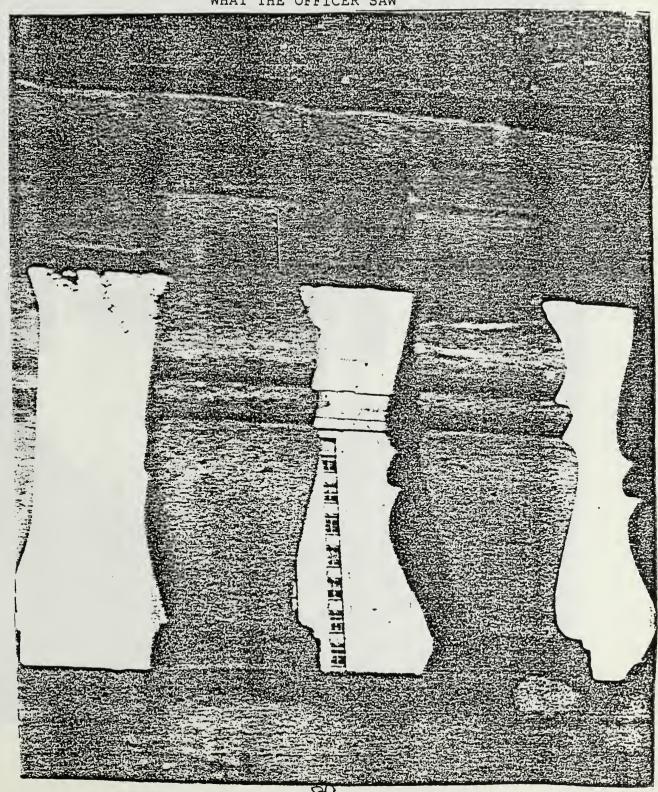
57

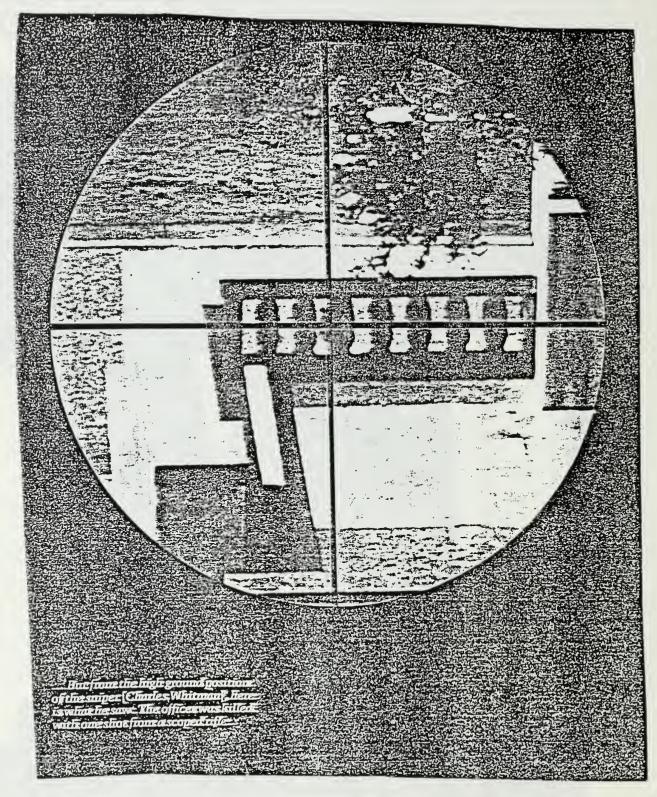
BUILDING APPROACHES: The proper invisible deployment tactic for almost any building approach is illustrated below. This tactic avoids a cross fire situation and allows officers in both positions to maintain a visual on possible suspect movement.



MAINTAIN ADEQUATE COVER: The following two photos illustrate the necessity of maintaining adequate cover while approaching a building or while maintaining a lookout position. While your position may seem to be safe, it may in fact be subjecting you hostile fire.

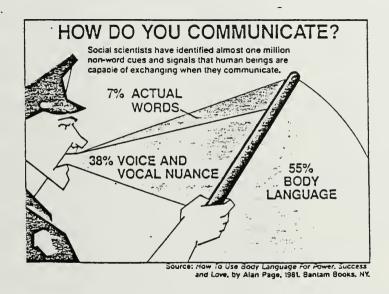
WHAT THE OFFICER SAW





THE ROLE OF COMMUNICATION IN OFFICER SURVIVAL

The communication and observation skills you develop as a police officer play an important role in the overall survival picture. Make sure you use them to your advantage.



OFFICER SURVIVAL

COMPLACENCY QUIZ

By Lt. David Grossi and Off. Guv Rossi

Have you become lax in your street skills? Evaluate yourself to see if you need updating in your officer safety training. The following series of 100 questions is geared to test your officer safety IQ. The questions are posed to individual officers on a variety of topics ranging from procedures, habits, equipment, job-related training and education and physical fitness. The questions are based on known statistical data compiled from an assortment of department studies, particular job descriptions and standard operating procedures for police agencies in general. They are divided into three categories: Tactics, Training and Physical Fitness. It is not meant to question or criticize any department's policies, procedures or regulations. It is meant only as a guide, taking into consideration the "State of the Art" concepts in police training. After you have taken the test, you might want to rate your own department and present the score to your Training Officer. Rangemaster or Chief for his or her consideration. One last word of advice: Answer the questions honestly, by stating not what you think you should do, but by what you actually do on the job. The only person you'll be fooling is yourself, and why fool around with officer safety.

Score yourself as you go along. Add and deduct the points as you answer the questions. The answers to questions #86 through #91 appear at the end of the test.

Answer "true" (or yes) or "false" (or no) to those questions that best describe your normal, day to day practices.

TACTICS

- 1. I practice "Invisible Deployment" in tactical response situations. If "yes." add I point.
- Every alarm call is an actual until I prove otherwise. If "yes," add I point.
- I carry my flashlight, portable radio or summons book in my strong hand, as a rule. If "yes," deduct i point.
- 4. I own or am issued soft body armor. If "yes." add I point.
- I wear it religiously every work day. If "yes," add I point.
- It is most often carried in the trunk of my car, kept at home or in my locker. If "yes," deduct 2 points.
- 7. Is the front seat of your patrol car your office? Is the passenger seat usually filled with briefcases, raingear or other assorted items that would prevent you from seeking cover in a surprise attack? If "yes." deduct I point.
- 8. I carry extra service ammunition while on duty. If "yes," add I point.

- I function-check my service weapon every day before hitting the street, If "yes." add I point.
- Jump up and down in your uniform. Do you make noise from keys, cuffs, etc.? If "yes," deduct I point.
- 11. I carry a backup firearm. If "yes." add I point.
- It is the same caliber, make and model as my service revolver. If "yes," add 1 point.
- 13. I carry an off-duty firearm. If "yes," add I point.
- 14. It is the same caliber, make and model as my service revolver. If "yes," add 1 point.
- 15. I carry a high-output flashlight while on duty. If "yes." add I
- 16. I purchased the flashlight myself.
 If "yes," add I point.
- 17. I carry two sets of restraints while on duty (either handcuffs, flex-cuffs or quikstraints). If "yes," add I point.
- 18. I carry my ID when off duty where it is accessible with my weak hand. .

 If "yes," add 1 point.
- 19. I carry expanable-type ammunition in my service revolver. If "yes." add 1 point.
- 20. I carry expandable-type ammunition in my off-duty weapon. If "yes." add 1 point.
- 21. I periodically will not pat down female prisoners for weapons prior to transporting them. If "yes," deduct I point.
- 22. I know, understand and am consciously aware of the "four phases of alertness," If "yes," add I point.
- 1 understand and practice autogenic breathing techniques to lessen my stress level during highrisk situations. If "yes." add I point.
- 24. I routinely call out with the plate number. make. model and or occupant number on all my traffic stops. If "yes." add 1 point.
- 25. I make a habit of taking my supper break or coffee break at the same time and place almost every work day. If "yes," deduct I point.
- 26. I generally write traffic summons' with the violator in the front seat with me. If "yes," deduct I point.
- On vehicle traffic stops, I always park with a safety lane for protection. If "yes," add 1 point.
- 28. When walking away from a traffic stop, I always walk back to my vehicle keeping an eye on the stopped vehicle and aware of any sounds indicating the exiting of that vehicle. If "yes," add I point.

- 29. Sometimes I come to work hungover, run-down or not totally alert. If "yes," deduct I point.
- I make a habit of not standing in front of any doors regardless of the call that I am on. If "yes," add I point.
- 31. I most often wait for a back-up on domestic calls. If "yes," add 1
- 32. I monitor by listening to the argument and voices before entering a domestic dispute. If "yes," add I noint.
- Prior to answering a high-risk call, I visually scan the area for possible cover or concealment before committing myself to an entry. If "yes," add 1 point.
- 34. In a domestic dispute, I generally follow my combatant around the residence when either he or she moves from room to room. If "yes," add I point.
- In silent-alarm response, I always have an employee exit the building and walk to me rather than enter an open business. If "yes," add I point.
- 36. When doing building checks, I operate my vehicle with the passenger door toward the building so that cover is afforded me. If "yes," add I point.
- 37. I sometimes get out of the car to investigate a suspicious person or circumstance without first notifying the dispatcher of my location. If "yes," deduct I point.
- 38. I occasionally will not handcuff a female or juvenile arrestee unless they are violent. If "yes," deduct I point.
- I will occasionally handcuff prisoners with their hands in front of them if they appear to be calm and non-violent. If "yes," deduct 1 point.
- I sometimes conduct a building search alone before my backup arrives, for convenience sake. If "yes," deduct I point.
- 41. I sometimes reach inside a drivers window to take a license, registration or to remove the ignition keys If "yes," deduct 1 point.
- 42. I occasionally process a prisoner (mug shots, fingerprints) with my weapon still on. If "yes," deduct I point.
- 43. I have on occasion, allowed a violator to walk back to my car while I have remained seated. If "yes," deduct I point.
- 44. I have on occasion transported a stranded motorist either in the front seat or in the back scut without first patting him down for weapons. If "yes." deduct I point.

- make a tactical safety error, take the time to correct it and dicuss it with him or her. If "yes add I point.
- 46. Whenever I search a suspect ar find a weapon, I continue t search, going by the "plus-on rule, If "yes," add I point.
- I have been in an armed confretation as a police officer in t past. If "yes," add I point.
- 48. I have been involved in a shooti as a police officer in the past. "yes," add I point.
- 49. I carry my off-duty weapon ont same side and in the same type holster as my service weapon, "yes," add I point.
- 50. With the exception of stop a frisk pat downs, I always handc first and then search. If "yes," a I point.
- 51. My department issues chemimace and I know it is current "yes," add I point.
- 52. My department issues fr ammunition at least twice a y-If "yes," add I point.
- 53. I regularly check the back my police car for items lo by the last shift. If "yes."
- 54. My police car has a screen (equipped with a protective cag "yes," add 1 point.
- 55. I have been a police of between five and ten years "yes," add 2 points.
- 56. I have been a police of between ten and fifteen year "yes," add I point.
- 1 have been a police officer twenty years. If "yes." dedi point.
- Prior to taking the handcuffs prisoner. I re-search him o before placing him or her is cell. If "yes." add I point.
- Whenever I see a suspicious cle, I run an NCIC check before checking it out. If ' add I point.
- 60. Have you, within the last cancelled a backup officer "routine call that happens day" or "you know the peopl well." If "yes." deduct 2 po
- 61. Have you, within the last entered the scene of a fre false alarm without waiting backup car. If "yes." dec points.
- 62. Have you, within the last made a traffic stop and fa call out with the car. If deduct 2 points.
- 63. Have you, within the investigated a suspicious

COMPLACENCY QUIZ (cont'd.)

- or checked out a suspicious condition without first notifying your dispatcher. If "yes," deduct 2 points.
- 64. Have you, within the last year, either observed a weapon on a violator or observed a pistol permit on a violator but failed to secure it or him "so as not to embarrass" the violator. If "yes," deduct 2 points.

TRAINING

45

- Does your library or bookshelf contain the last four issues of Police Marksman or Playboy? If you have the last four issues of a recognized police publication in your home or office, add I point.
- 66. Have you attended an officer safety seminar (such as Calibre Press" "Street Survival" seminar or PMA's "Advanced Officer Survival" seminar) within the last year. If "yes." add I point.
- 67. If you paid for it yourself, add 2 points.
- 68. I train or qualify with my service weapon only when required to do so. If "yes," deduct 1 point.
- I train and or qualify with service ammunition. If "yes," add I point.
- I train and or qualify in nightfire and or low-light situations. If "yes," add I point.
- 71. I train with moving targets on the range. If "yes." add 1 point.
- 72. I train in firearms with multiple targets. If "yes," add I point,
- My department trains in judgemental shooting situations (such as Shoot, Don't Shoot, Shooting Decisions or Deadly Force Decisions). If "yes," add 1 point.
- 74. Do you train or qualify in forearms once, twice or more than twice a year? One point for once, two points for twice or three points for more than twice a year.
- 75. I carry a shotgun in my patrol car.
 If "yes," add 1 point,
- I train or qualify with the shotgun at least once a year. If "yes," add I point.
- I train and or qualify with my offduty weapon at least twice a year. If "yes," add 1 point.
- 78. I am certified in the use of nonlethal weapons (impact, chemical or electronic). If "yes," add I point.

- 1 train or qualify in non-lethalforce options (defensive tactics, PR-24, chemical or electronic) at least twice a year. If "yes," add I point.
- I train and/or qualify in weapon retention techniques at least once a year. If "yes," add I point.
- I train and/or qualify on the range in full-duty uniform, including soft body armor. If "yes," add I point.
- 82. I train in a tactical course of fire on the range (Mailboxes, Fire Hydrants, Telephone Poles, Running or "Stress"-type courses of fire). If "yes," add I point.
- I train or qualify in role-play exercises, crisis rehearsal, simulation in traffic stops, building searches, etc. If "yes," add 1 point.
- 85. I have made a conscious effort for my survival by implanting the fact that should I get wounded in an armed encounter. I will take the responsibility to treat myself until I am taken to a hospital. If "yes," add I point.

Questions 86 through 91: 1 point for each correct answer.

- 86. The average number of rounds expended in a police gunfight
- 87. The percentage of multiple adversaries encountered in a police gunfight is ______ c;
- 88. Most shooting situations occur within ______ (cet.
- 89. The average time involved in a police gunfight is
- 91. The odds of a police gunlight occurring in low light or at night is
- My department makes available to me videos, written and or resource material on officer safety. If "yes," add 1 point.
- I have read a texthook on officer safety or officer survival within the last two years. If "yes," add I point.
- My department makes available to me a range where I can train or practice off-duty. If "yes," add I point.
- 95. My department makes ammunition available to me for training or

- practice off-duty. If "yes," add I point,
- 96. Does your department have certified and accredited firearms instructors and defensive tactics instructors available for consultation or remedial training between regular in-service training periods. If "yes," add I point.

PHYSICAL FITNESS

- 97. I am a smoker. If "yes," deduct I point,
- I maintain a physical fitness or aerobic program at least three times a week. If "yes," add I point.
- 99. I am more than 10 pounds overweight. If "yes," deduct 1 point.
- 100. I have had a complete physical examination within the last five years. If "yes," add I point.

Answers to questions 86 through 91.

(86. 2.5 Rounds) (87. 40%) 88. 10 Fee) (89. 2-3 Seconds) 90. 30%) (91. 66%)

Scoring the test.

68 Pts. - 78 Pts: Excellent

You will most likely make retirement and enjoy a long life of luxurious pension living.

57 Pts. - 67 Pts.:

Good

You should think strongly of putting in for a daytime office job. That opening in the headquarters unit might look pretty good.

46 Pts. - 56 Pts:

Poor

We strongly suggest you begin to seriously consider a change in careers. Teach school, sell insurance or learn basketweaving in your spare time, and don't hack anyone up!!

Below 46:

Friend, You've been living on borrowed time! Consider yourself a statistion and get the hell out of police work, now!

The questions contained in the complacency test are only a few of the countless questions you should be asking yourself on the issue of officer safety. The test is meant to make you think about your survival IQ, and demonstrates the best of hoth views: those from a patrol training officer on the street and those of a management administrative viewpoint.

Others concerned for their safety must train for that day we all hope we will never have to face. Many officers see in-service training once a year. We suggest to those officers to push your training officer for more current, relevant training programs. If that doesn't work, then seek it yourselves, Physical Fitness, Dry Firing and Crisis Rehearsal requires only your time. Many of the excellent publications such as this magazine contain superb instructional techniques and practices dealing with officer safety.

If you failed this test, you should consider talking to your supervisor or department instructors about many of the officer safety courses or seminars available throughout the country. Sure, they cost money, but it's not a lot if you consider the investment over a twenty-year career.

You also need to change your attitudes, routines and thoughts on officer safety. Only you know how prepared you are for that armed confrontation or violent encounter, when it happens to you.

Remember, you may be able to fool others, but you can't fool yourself!
Tomorrow is a new day; a chance to learn, train and survive.

About the Authors:

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Off. Guv Rossi is a Patrolman with the Irondequoit, New York, Police Department. He is a certified training officer, firearins instructor, defensive tactics instructor and PR-24 instructor. He holds a second-degree black helt in Chito Kai Karate. He has been an adjunct instructor at the Regional Criminal Justice Training Academy in Rochester, New York, for Jair years, He has been a palice officer for eight years.

Notes

ASSESSING THE DANGEROUSNESS OF YOUR CALLS

Each call for service carries with it a certain degree of danger. Your survival instincts must react to the various danger levels. The following IACP survey gives some guidance on what are considered to be the high risk calls.

IACP SURVEY

RANKING OF ASSIGNMENTS AS TO THE DEGREE OF DANGER BY EXPERIENCED POLICE OFFICERS

| DANGER BY EXPERIENCED POLICE OFFICERS | | |
|---|---|--|
| Descriptive Range | Radio Assignment | |
| Between "Certain and Extreme Danger" and High Danger" | Robbery in progress Officer needs help Assault with a deadly weapon Burglary in progress Murder Firearms discharged | |
| Between "High Danger" and "Moderate Danger" | Insane person Family disturbance Burglar alarm sounding Disturbance with teenagers | |
| Between "Moderate Danger" and "Slight Danger" | Reckless driving A suspicious person Drunk driver Attempted suicide Rape victim Indecent exposure Malicious mischief A man down | |
| Between "Sight Danger" and "No Danger Whatsoever" | Meet a citizen Animal bite victim | |

THE TEN FATAL ERRORS THAT HAVE KILLED EXPERIENCED LAWMEN!

BASED UPON THE INVESTIGATIONS OF HUNDREDS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, THESE TEN DEADLY SIGNS WERE FOUND TO BE THE MAJOR CAUSE OF USELESS UNNECESSARY DEATHS. WILL YOU MAKE ONE OF THESE ERRORS TODAY OR HAVE YOU DONE SO ALREADY.

- 1. YOUR ATTITUDE: If you fail to keep you mind on the job while on patrol, or carry home problems into the field you will start to make errors. It can cost you or other fellow officers their lives.
- 2. TOMBSTONE COURAGE: No one doubts that you are all man, but in any situation where time allows, wait for the back up. There are few instances where alone and unaided you should try to make a dangerous apprehension.
- 3. NOT ENOUGH REST: To do your job you must be alert. Being sleepy or asleep on the job is not only against regulations, but you endanger yourself, the community and all your fellow officers.
- 4. TAKING A BAD POSITION: Never let anyone you are questioning or about to stop get in a better position than you and your vehicle. THERE IS NO SUCH THING AS A ROUTINE CALL OR STOP.
- 5. DANGER SIGNS: As a police officer you will get to recognize "danger signs" movements, strange cars, warning that should alert you to watch your step and approach with caution. Know your beat, your community and watch for what is cut of place.
- 6. FAILURE TO WATCH A SUSPECT'S HANDS: Is he or she reaching for a weapon or getting ready to strike you? Where else can a potential killer strike but from his or her hands.
- 7. RELAXING TOO SOON: The "rut" of false alarms that are accidently set off. Walking in and asking if the place is being held up. Observe the activity. Never take any call as routine or just another false alarm.
- 8. IMPROPER USE OF NO HANDCUFFS: Once you have made an arrest, handcuff the suspect properly. See that the hands that can kill are safely cuffed. (DOUBLE LOCK FOR HIS SAFETY AND YOURS)
- 9. NO SEARCH OR POOR SEARCH: There are so many places to hide weapons that your failure to search is a crime against fellow officers. Many criminals carry several weapons and are able and prepared to use them against you.
- 10. DIRTY OR INOPERATIVE WEAPON: Is your revolver clean? Will it fire? How about the ammo? when did you fire last so that you can hit

a target in combat conditions? What's the sense of carrying any firearm that may not work?

VERBAL COMMANDS

Recently two New York city Police Officers were cleared in the shooting death of a Knife Wielding suspect, who attacked one of the officers, when witnesses to the shooting supported the officers' story that they had identified themselves as police officers and repeatedly ordered the suspect to drop the knife in an attempt to resolve the incident with a minimum use of force.

Verbal commands are a vital part of an officer's available options in handling situations they face on a daily basis. they serve to identify the officer, inform the suspect of a lawful order, protect the public and the officer and may defuse an incident and successfully resolve a potentially violent situation.

There are three parts to a verbal command:

- l. IDENTIFICATION: A simple one or two word statement establishing your identity and authority. EXAMPLE: POLICE! STATE POLICE! FBI! Even if the police officer is in uniform, with the proliferation of security agencies, the witnesses and suspect may not readily identify you as a police officer. this is critically important for detectives and plainclothes officers who are not readily recognizable.
- 2. LAWFUL COMMAND: Use a lawful command to prevent injury, stop illegal actions or prevent escape. EXAMPLE: HALT! STOP! DROP THE WEAPON! DON'T MOVE! An officer's commands should be simple and direct. A positive order, STOP!, is more effective than a negative order, "DON'T DO IT!"
- 3. EXTENSION OF THE LAWFUL COMMAND: A command designed to get the suspect into a controlled and safe position. This will not be the last command the officer will give the suspect, but is used to establish that the officer, not the suspect, is in control of the situation. EXAMPLE: PUT YOUR HANDS UP! TURN THE ENGINE OFF! PLACE THE KEYS ON THE ROOF! LAY FACE DOWN ON THE GROUND!

If the suspect does not respond to your verbal command, repeat the order and add "DO IT!" or "DO IT NOW!" until the suspect responds. If the suspect is slow to respond or continues to ignore you, maintain your distance from him, at least 25 feet if armed with a knife, take cover, call for a backup and continue to repeat your commands to him until he responds. REMEMBER, THE ADVANTAGE IS YOURS IF YOU MAINTAIN PRESENCE AND UTILIZE GOOD TACTICS.

Never threaten a suspect when issuing a verbal command. A threat may escalate a situation and any witnesses present will hear the officer threaten the suspect. When more than one officer is present the "contact officer" is usually the driver while the observer acts as the "cover officer."

When one man units are assigned the officer making the initial stop will issue all verbal command and act as the "contact officer."

The United States Supreme Court in Garner vs. Tennessee clearly states that a police officer must give verbal commands whenever practical. It falls upon the officer to show that he/she was unable to give a verbal command because of the suddenness or violence of the incident. If it is possible, by using verbal commands to stop a situation for escalating into one in which force, non-lethal or lethal, is necessary, then an officer is obligated to

do so.

BOSTON POLICE ACADEMY TRAINING BULLETIN 7-88
Captain Robert P. Dunford
Ref: Boston Police Dept. Rule 303 and 304
The Police Marksman, Vol. 6 No. 1, Jan/Feb 1986

IT COULD BE YOU

The purpose of this training bulletin is to help officers identify high-risk assignments and recognize vulnerabilities by presenting information about past incidents in the hope of preventing future tragedies by increasing the police officer's awareness of the inherent dangers associated with the law enforcement profession. Perhaps by examining the experiences of past, current and future police officers will become more aware and better prepared to defend themselves against the dangers inherent in our profession.

Each year a number of dedicated men and women in law enforcement sacrifice their lives in the performance of theirs duties. the FBI reports that in 1986, sixty-six police officers were murdered in the line of duty, of the 66 victims, 34 were city police officers, 19 were county officers, 5 were employed by state law enforcement agencies, 4 by agencies in U.S. Territories and 4 were federal officers. The 1985 total was 12 lower than in 1985 when 78 officers were murdered.

Sixty-five of the 66 cifiters murdered were male. the average number of years experience for all the officers murdered during 1986 was 9 years. Twenty three officers had over 10 years experience. Two officers had less than 1 year of experience.

As in prior years, patrol officers were the most often murdered in 1986. Of the 41 officers murdered while assigned to patrol, 31 were assigned to 1 officer vehicles. Nine officers murdered were assigned to 2 officers vehicles. One officer was assigned to foot patrol. Nineteen officers were either detectives or

working plain clothes assignments. The remaining 6 officers were off duty but taking appropriate police action when murdered.

PATROL OFFICERS HAVE CONSISTENTLY COMPRISED THE LARGEST PERCENTAGE OF VICTIMS. THE MOST HAZARDOUS TYPE OF PATROL DUTY IS THE 1 OFFICER VEHICLE.

In 1986, as in previous years, more police officers were murdered while attempting arrests than while involved in any other activity. In 1986, 26 officers were murdered while attempting arrests. Of these officers, 9 were in pursuit of robbery suspects or responding to robberies in progress. Seven officers were involved in drug related arrests. One officer was pursuing a burglary suspect. The remaining 9 officers were attempting arrests for other crimes.

Ten officers were murdered on so-called routine traffic stops(this figure was down by six from the previous year). Six officers were responding to disturbance calls (5 were barroom fights or man with a gun calls and one was a family disturbance call). Eleven officers were killed while investigating suspicious persons. Five officers were ambushed (2 murders were premeditated and 3 were unprovoked attacks). Five officers were murdered while transporting or handling prisoners. The remaining three officers were murdered while dealing with mentally disturbed persons.

Continuing to lead as the most frequently used weapons to murder police officers were firearms. Handguns were used to murder 51 police officers with the .38 caliber and .357 magnum being the most common (15 OFFICERS WERE KILLED WITH THEIR OWN SERVICE WEAPONS). Rifles were used in 8 murders and shotguns in 3. Four officers were deliberately struck by motor vehicles.

Of the 62 officers who succumbed to gunshot wounds in 1986, most were in close proximity to their assailants. forty three were killed from a distance of zero to five feet, 12 from a distance of 6 to 10 feet, 2 from a distance of 11 to 20 feet, 2 officers from a distance of 21 to 50 feet, and 3 from a distance over 50 feet.

Twenty six officers were shot in the head (21 were shot in the front of the head and 5 shot in the rear of the head). Thirty three officers were shot in the torso (26 in front and 7 officers shot in the back). Three officers were shot below the waist.

Of the 66 officers murdered in 1986, 16 were wearing soft body armor. Of the 16 officers wearing vests, 6 were shot in the head. Six officers were fatally wounded in the torso when rounds fired entered areas not protected by the vests. Two officers were shot below the waist. The two remaining officers were struck and killed by motor vehicles.

Any time of the day, officers face life threatening situations while performing their duties. During 1986, 38 police officers were murdered between 4 p.m. and midnight. From midnight to 8 a.m. twelve police officers lost their lives, while 16 were murdered between 8 a.m. and 4 p.m. In 1986 more officers were slain during the months of January, February, and April. During these months 24 officers were murdered. Cotober recorded the lowest with 2 officers

losing their lives. By day of week, Wednesday was the deadliest, 13 officers were murdered. Fifty two officers were slain during the week and 14 were slain on weekends.

Sixty five officers were accidently killed in 1986. Twenty three officers lost their lives in auto accidents. Five died in motorcycle accidents and ten in aircraft accidents. Two officers were accidently struck by motor vehicles while on traffic stops. Nine officers were killed while directing traffic. Nine officers were accidently shot (cross fires and/or mistaken identities). Two officers lost their lives when accidently shot during training sessions. Five officers died due to falls or drowning.

SO, 'LET'S BE CAREFUL OUT THERE."

BOSTON POLICE ACADEMY TRAINING BULLETIN 8-88 P.O. CHARLES O'HEAR

PLAIN CLOTHES AND OFF DUTY CONFRONTATIONS

Recently, an off-duty Washington D.C. police officer was shot and killed in his own home by a uniformed Prince George County Maryland police officer responding to a break in progress call. The circumstances of the shooting are as follows:

The off-duty Washington officer, in plain clothes, returned homes to find his home broken into. Believing that a suspect was still inside he drew his off duty personal weapon and began the search of his home. Unbeknown to the officer the prince George county Police Department had already been notified unbeknown the break in and an officer was dispatched to the scene. Upon arrival the responding officer found the door open and observed a man with a gun inside the home. the uniformed officer verbally challenged the man in the home by identifying himself, "POLICE 7 FREEZE!" The home owner, gun in hand, turned quickly towards the sound of the officer's voice. The uniformed officer, believing he was being threatened with deadly force, fired and killed the home owner.

This tragic event is not an isolated incident. Each year a number of police officers are killed while performing plainclothes assignments or while off duty. For safety's sake, an off duty officer should engage an armed suspect only when (a) it is a self defense situation or (b) scmecne else is in a life threatening situation. In some cases it may be more prudent foe the off duty officer to disengage or not to engage himself, call 911, wait for the responding officers and be a good witness.

But what about the plaincisthes officer or the off duty officer who is engaged?

RISK REDUCTION: Both officers can increase their survival chances by

being physically fit. Fitness provides the officer with a psychological advantage and a will to survive. Maintaining firearms proficiency with your issued weapon or the weapons you carry off duty. Carry extra ammo and your handcuffs and, if on duty, wear soft body armor.

The officer should be alert to danger and cover options. Cover is a major concern not only for your protections but also for the protection of the responding officers who might not recognize you or fire at you before identifying you as a police officer.

OFFICER RECOGNITION: There are two ways for a citizen or responding officer to identify you as a police officer, (1) what he hears, and (2) what he sees. First, when challenged by a responding officer DO NOT MOVE AND DO NOT TURN AROUND. the plainclothes and off duty officer should learn to carry his badge where he can reach it with his weak hand. this is especially important if you are covering a suspect. Second, be prepared to clearly and loudly identify yourself. Don't just say, "I AM A POLICE OFFICER!" Identify yourself by name, rank and department. Be prepared to answer a question that only a cop would know, such as what does a 20-89 mean or what is the chapter number for offenses against the person. Third, and most important, when a responding officer commands you to do something, like drop your weapon, DO IT!, DON'T ARGUE WITH HIM, JUST DO IT! Move Slowly, ask permission to make any move and explain what your are going to do.

The guidelines presented in this bulletin are common sense steps that will increase your recognition, reduce the risk to the plainclothes and off duty officer and hopefully prevent an unnecessary tragedy.

BOSTON POLICE ACADEMY TRAINING BULLETIN 11-88 CAPTAIN Robert P. Dunford/ROBERT P. DUNFORD

The law governing pursuit and emergency vehicular driving is G.L.C. 89, Sec. 7B. That statute states:

The driver of a vehicle of a fire, police or recognized protective department, and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance, or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in an emergency and while in performance of public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he EXERCISES CAUTION AND DUE REGARD UNDER THE CIRCUMSTANCES for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection. ' (emphasis added).

Of course the difficult issue is determining what constitutes "...caution and due regard under the circumstances..." This language is really nothing more than the standard of due care against which any type of allegedly negligent conduct is tested.

The preliminary standard for testing an officer's conduct is the department's own regulation governing motorized pursuit. It is important that every officer be familiar with what the particular regulation states. It will be some evidence of negligence if an officer violates a particular provision of his department's regulation. For instance, a department may set a maximum speed over the posted limit or restrict the number of vehicles which may join in a chase. A violation of that particular restriction will become part of the analysis of whether the officer was negligent.

Some of the other significant factors that would be examined in deciding "caution and due regard" include:

WAS THERE AN ACTUAL OR APPARENT EMERGENCY?: As a general rule, any event sufficient to take an officer away from his regular duty or routine patrol may be considered an emergency. It is important to note that G.L.c. 89, Sec. 7B and the various departmental regulations which grant officers limited authority to exceed or ignore traffic restrictions, apply only when officers are actually involved in emergencies or attempts to apprehend fleeing law breakers. Otherwise, police are required to follow the ordinary rules of the road in the same manner as civilian vehicular traffic.

WAS IT NEGLIGENT TO UNDERTAKE THE PURSUIT?: This inquiry, like the preceeding one, requires a balancing of various factors. Over-riding all, of course, is the fact that there is a duty and right on the part of law enforcement officers to prevent and apprehend wrong-doers, Mitchell v. State, 486 N.Y.S. 2d 97 (1985). As a result, courts have, as a whole, been reluctant to attach liability at the initial decision stage. Stanton v. State 311 N.Y.S. 2d, 28 N.E. 2d 494 (1970). An officer typically will have only a brief moment to decide whether or not to instigate a pursuit. This, however, is not without limitation. For instance, if the alleged infraction is minor, the identity of the suspect is known and there is another means by which to apprehend him, a plaintiff could well argue that there was a failure of due care on the part of an officer by creating an unnecessary, dangerous pursuit situation in order to apprehend the suspect.

WAS THE ACTUAL PURSUIT NEGLIGENTLY CONDUCTED?: This is the area which is the most factually specific and which requires an examination of the elements of the particular pursuit. In addition to the conduct of the officer, a court and jury will examine such factors as where the pursuit took place, the time, road and weather conditions, the speeds reached by both vehicles, the length of the pursuit and the conduct of the pursuit.

In a lawsuit, it may well be claimed by a plaintiff that given any or all of the above factors, it was unreasonable, and therefore negligent of a police officer to conduct a pursuit. For instance, suits have been filed which have claimed that it was negligent to pursue vehicles through residential areas or during periods of heavy traffic.

The above factors are all technical aspects of conducting a pursuit which a trained and experienced officer will have to weigh, both in deciding to conduct a pursuit as well as in continuing it.

Defenses:

It is important for all law enforcement officers to bear in mind that while anyone can file a lawsuit, it doesn't mean that the plaintiff will necessarily recover anything.

As a primary step, it is very important to establish that a police department has regulations governing motorized pursuit, and to show that the officer involved was familiar with and understood them. Coupled with that should be the fact that the officer had actually undergone training for such pursuits and was experienced in handling a vehicle in emergency situations.

It is important to stress that supervisory officers should examine their department's regulation to insure that the day-to-day practice comports with what the regulation states.

On the stand, the police operator should be prepared to testify that he weighed the relative risks of pursuit versus the escape of the suspect and determined that continuing the pursuit was necessary.

The conduct of the plaintiff is an important defense in pursuit liability actions. If a plaintiff was the sole cause of an accident, then obviously, recovery would be barred.

If there is negligence on both sides, under the doctrine of comparative negligence, a jury is required to determine the portion of the damages incurred by a plaintiff that is attributable to his own negligent conduct. Any recovery that is awarded to the plaintiff is reduced by the percentage of his own negligence.

A reasonable belief, based on the officer's observation and experience that a pursued driver presents a serious danger to the general public can justify a chase. Martin v. Rossignol, 226 Md. 363 (1961).

Frequently, the pursued vehicle and not the officer's will be the one which collides with a third party. If it can be established that the officer acted properly and reasonably under the circumstances, then liability will not travel back towards the police. The police will not be held to be the insurer of the wrongdoer who was pursued.

Juries in most instances will examine a pursuit case in a logical manner. They should be concerned with determining whether the risk of harm was created or continued by the suspect or rather, whether the police officer was the operative cause of the plaintiff's harm. If it can be shown that the police officer was reasonably attempting to apprehend a fleeing wrongdoer, a jury will find in that officer's favor. As one West Virginia court stated:

"We are not prepared to hold an officer liable for damages inflicted by the driver of a stolen vehicle whom he was lawfully attempting to apprehend for the fortuitous reason only that the criminal drove through an urban area. To do so would open the door for every desperado to seek sanctuary in the congested confines of our municipalities, serene in the knowledge that an officer would not likely give chase for fear of being liable for the pursued's recklessness. Such is not the law nor should it be the law. Accordingly, this complaint fails to state a claim upon which relief can be granted..."

POLICE RESPONSE TO SPECIAL PROBLEMS

PURPOSE

- To enhance police investigations of missing person, runaway and juvenile cases and to inform law enformcement officials of both their responsibilities and potential resources.
- To provide police officers with an understanding of the Alzheimer patient, medical and legal issues, methods to deal effectively with this population and potential community resources.
- 3. To provide police officers with an understanding of the AIDS disease, medical and statistical information. The facts and myths of how the disease can be contacted.

I. General Discussion and Overview of Missing Persons, Runaways and Juveniles

- A. Missing Person Unit (M.S.P.)
- B. Types of missing persons and asociated causes
 - 1. lost child
 - 2. runaway
 - 3. child abduction
 - 4. parental abduction
 - 5. adult voluntary
 - 6. adult involuntary
 - 7. adult endangered
 - 8. missing due to crime
- C. Current status of missing person problem in Massachusetts
 - 1. statistical
 - 2. legislation
 - education

The Investigation

- A. Psychological aspectes
- B. Classification of category of missing person.
 - initial interview with patrol unit is most important in setting tone of relationship
 - 2. first 24 hours are critical

con't

- C. Areas of critical concern
- D. Recommended procedures (Model Policy see attached)

Perpetrators

- A. Pedophiles
- B. Serial Murderer
- C. Unidentified Dead

Related Laws

- A. Chapter 22A Central Register Law
- B. Chapter 231-85P Legal Age of Majority
- C. Chapter 265, s. 26A Parental Kidnapping

II. General Discussion and Overview of Alzheimer's Patient

- A. Medial and Legal Issues
- B. Community Resources

III. General Discussion and Overview of Acquired Immune Deficiency Syndrome (AIDS)

- A. Medical Issues and Statistical Information
- B. Facts and Myths of how disease can be contacted



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY -FOUR

AN ACT

ESTABLISHING A CENTRAL REGISTER FOR MISSING CHILDREN

Be it enucted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION I. The General Laws are hereby amended by inserting after chapter 22 the following chapter:-

CHAPTER 22A

CENTRAL REGISTER FOR MISSING CHILDREN

Section 1. As used in sections two through eight, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"central register", identifying data file of missing children.

"Commissioner", the commissioner of public safety.

"law enforcement authority", any police department in the commonwealth or any of its political subdivisions.

"department", the department of public safety.

'Missing child or children', any person under the age of eighteen

NOTE - Use only ONE SIDE of each leaf. DOUBLE SPACE. Insert additional leaves, if necessary.

ars missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by the person responsible for the such child's care.

Section 2. The commissioner shall, through electronic data processing and related procedures, establish a statewide central register containing all available identifying data of any missing child, including, but not limited to, fingerprints and blood types. The department may use existing data processing and data communication systems of the criminal justice information system.

- Section 3. The commissioner shall promulgate rules and regulations which shall (1) insure the accuracy of the data contained in the central register;
- / (2) prescribe the manner in which reports to the central register shall be made;
 - (3) prescribe the manner which inquires to the central register shall be made and processed; (4) prescribe the manner and extent of dissemination of the data contained in the central register to law enforcement personnel, other interested parties and the public; and (5) insure the prompt removal of all obsolete data from the central register.

The department shall not charge a fee for providing information in response to inquiries made pursuant to this section.

Section 4. Whenever a parent, grardian, or governmental unit responsible

for a child, reports to any police officer or law enforcement

official that a child is missing, such police officer or official

which shall immediately cause to be entered into the central register

officer or law enforcement information relative to said missing child. (Such police officer

or law enforcement official shall also immediately undertake to locate

Police officers, law enforcement officials and others so designated by the commissioner solely for the purpose of locating a missing child shall have access to the fingerprints and other data and information concerning the missing child on file with the central register.

Section 5. Every county medical examiner shall furnish the department promptly with copies of fingerprints on standardized eight inch fingerprint cards, personal descriptions and other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the medical examiner where the deceased is not identified or the medical examiner is not satisfied with the decedent's identification. In any case where it is not physically possible to furnish prints of the ten fingers of the deceased, prints or partial prints of any fingers with other identifying data shall be forwarded by the county medical examiner to the department.

to

In addition to the foregoing provisions \(\) this section, the county medical examiner shall cause a dentist to carry out a dental examination of the deceased. The medical examiner shall forward the dental records to the department on a form supplied by the department for that purpose.

The department shall compare the fingerprints received from the county medical examiners to fingerprints on file with the department for purposes of attempting to determine the identity of the deceased. Other descriptive data supplied with the fingerprints shall also be compared to records maintained by the department concerning missing persons. The department shall submit the results of the comparisons to the appropriate medical examiner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing person.

Section 6. When any person makes a report of a missing child to a law enforcement authority, the authority shall request a member of the family or next of kin of the missing child to authorize the release to the department of the redical and dental records of the person reported missing.

The department shall compare the dental records received from the medical examiner to dental records of missing children on file with the department. The department shall submit the results of the comparison to the medical examiner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing child.

- Section 7. The first paragraph of section 5A of chapter 210 of the General Laws is hereby amended by inserting after the second sentence the following sentence:— In any petition for adoption the department shall submit to the court verification that the adoptee is not registered with the federal register for missing children and the central register.
- Section 8. Notwithstanding the provisions of any special or general law to the contrary, the department of social services, the department of youth services, the department of public health, and the department of mental health shall report a missing child under its custody to the central register and shall provide said central register with available identifying data relating to said missing child.

PROPOSED POLICE PROCEDURES FOR MISSING PERSONS REPORTS

POLICY

Cases involving missing persons are serious and must be handled professionally, expeditiously and with sensitivity. It is the policy of the [insert city or town] Police Department to ensure that reports of missing persons are promptly recorded, assessed, and investigated, in accordance with these procedures. This Department recognizes that the initial police response to the report of a missing person is critical to the effective collection of evidence and tracing of leads, as crucial evidence may be lost if it is subsequently discovered that the person was abducted. In particular, great care must be exercised in investigating any missing child case, as all missing children are at risk.

INITIAL TELEPHONE REPORT

- 1. If a report of a missing person is received over the telephone, the officer receiving the report should explain that the procedures of the Department require personal submission of a missing person report, unless an immediate emergency exists.
- 2. <u>In addition</u>, an officer receiving a telephone report of a missing person shall take and record the following information on the departmental form provided [see attached form, Attachment "A"]:
 - a. a description of the missing person, including name, age, sex, physical description, and description of clothing;
 - b. whether the person is mentally or physically impaired;

- c. the time and place at which the missing person was last seen, anyone who may be accompanying the missing person, and any likely destination to which the missing person may be going;
- d. the name and address of the caller; and
- e. the relationship between the caller and the person reported missing.
- 3. If the telephone report concerns a missing child, the officer also shall inquire:
 - a. whether the child's absence is a significant deviation from established patterns of behavior and cannot be explained;
 - b. whether the child is believed to be with adults, including parents and other relatives, who may endanger the welfare of the child.
- 4. Upon receipt of a telephone report of a missing child (under 18), an officer should be dispatched to the residence or other location where the report originated as soon as possible to begin the follow-up investigation.

In the case of an adult (18 or over), the caller should be instructed to come to the police station as soon as possible in order that further data can be taken and appropriate computer entries made. If, because of circumstances, this is impossible, an officer should be dispatched to obtain this written report.

[In both cases, see attached form, Attachment "A".]

Upon receipt of the necessary information in 5. emergency cases over the telephone, or in the form of a completed report filed by a patrol officer, officer/dispatcher, shall prepare worksheet for data entry [see attached form, Attachment "B"], enter the necessary information into the LEAPS/CJIS computer system (refer to NCIC and CJIS manuals for entry format and procedure), and record the NCIC, LEAPS and OCA numbers in the missing person report, signing the same. CHILD, WHENEVER A PARENT, CASE OF A MISSING GUARDIAN, OR GOVERNMENTAL UNIT RESPONSIBLE FOR A CHILD REPORTS THE CHILD MISSING, YOU ARE REQUIRED BY LAW IMMEDIATELY TO ENTER RELEVANT INFORMATION INTO THE CENTRAL REGISTER FOR MISSING PERSONS AND IMMEDIATELY TO UNDERTAKE TO LOCATE THE MISSING CHILD (Chapter 22A, §4).

6. The officer shall broadcast to all personnel on duty that information necessary of for the recognition and identification of the missing person.

PRELIMINARY INVESTIGATION

- 7. Cases involving missing persons shall be assigned by the Chief or the officer-in-charge if no unit or officer is regularly assigned to such duty. If a child is reported missing, the juvenile officer, if any, shall be notified, regardless of to whom the investigation is assigned.
- 8. The investigating officer should interview the person who initiated the report to verify information already available and to obtain further facts which may be helpful, including the following information [see attached form, Attachment "A"]:
 - a. whether the person is drug dependent (prescribed medication, or user's habit);
 - b. the reason for any delay in reporting the person missing;
 - c. in the case of a child, school attending and, if relevant, person who was supposed to pick up the child;
 - d. the extent of any search already performed by the caller or other parties, including a list of friends, co-workers and associates who have been contacted and a list of any who have not been reached;
 - e. details regarding any known mental, emotional or physical impairment of the missing person and whether he or she requires any medications; if medications are required, the type, frequency and last administration should be ascertained, if possible;
 - f. a more detailed description of the missing person;
 - g. whether the person has ever been reported missing on previous occasions;
 - h. other information that may be useful in locating the person (for example, particular

habits or personal interests, places frequented, location of cut-of-town relatives or friends, etc.) and determining whether the person is a potential victim of foul play.

- i. In the case of a missing child, a check should be made of the last place the child was reportedly seen, including interviews of individuals who were present at the actual scene of the disappearance, as well as friends' houses, arcades, playgrounds, place of employment, and other places frequented by the child, as well as local hospitals.
- j. Where appropriate, police records should be consulted for any further information about the missing person.
- 9. In the case of a missing child, parental consent to a search of the house for the child should be obtained and such a search should be conducted.
- 10. A photograph of the missing person always should be obtained, if available. Such photograph, with an accompanying description, should be posted in the police station where it may be viewed by all officers. Written permission should be obtained from family members to release and disseminate information.
- 11. The officers assigned should conduct a preliminary investigation as described above in an attempt to locate the individual. If it becomes apparent that the person cannot be located, a more detailed investigation and/or search should be conducted.
- 12. In any case where it appears that the missing person may not be found locally or when the preliminary investigation is unsuccessful, the investigating officer shall order notification of the following agencies and data bases, if not previously notified: State Police Missing Persons Unit, LEAPS/CJIS, NCIC. In cases of apparent stranger abductions, the FBI should be contacted.

CONTINUED INVESTIGATION

13. The second phase of the investigation of a missing person case is the intensive investigation. As the case is new and the trail is as fresh as it can ever be, investigators need to pursue actively whatever leads are available.

- 14. In all cases of a missing person, regardless of age, the investigating officer should request from the parent, legal guardian or reporting entity: (1) written authorization for the release of medical and dental records (required by law in the case of a missing child, G.L. c. 22A, §6), as well as a copy of such records; and (2) a copy of the missing person's fingerprints. [See attached form, Attachment "C".]
- 15. Each kind of missing child case requires a suitable follow-up by police. Whenever a child is reported missing by a parent, quardian, or governmental unit responsible for the child, the law requires that police immediately undertake to locate the child (Chapter 22A, §4). Great caution must be exercised before classifying a child as voluntarily missing.

A VOLUNTARY MISSING CASE investigation focuses on the family, friends, school, and lifestyle of the missing youth. Survival resources that the youth may have should be considered. In determining whether a child is voluntarily missing, officers should consider whether the child took any items to which he or she has a particular sentimental attachment. Other units in the department and nearby jurisdictions should be informed of the case and provided with pictures of the missing youth. The officer should instruct the parent to secure a Child in Need of Services (CHINS) warrant from the juvenile court as soon as possible to aid recovery of the child. Any indication of neglect or abuse in the family should considered and, upon recovery of the missing appropriate follow-up action should child, taken by the investigating officer, including filing a report with the Department of Social Services (DSS) under Chapter 119, §51A (neglect and abuse report, see Attachment "D").

A PARENTAL KIDNAPPING CASE requires a thorough investigation as the abducting parent is in violation of the law (Chapter 265, §26A), and the child abducted by a parent may be in serious danger. The investigation focuses on the abductor parent, his or her friends and relatives, and on the needs of the child for public services, such as education, health care, and child care. A thorough check of bank records, employment, labor unions, credit bureaus, and the Federal Parent Locator Service should be made in an attempt to locate the abductor. If friends or relatives are

thought to be in contact with the abductor through the mail, the postal inspector's office may be asked to place a "cover" on that /individual's mail. When sufficient supporting data is provided, criminal charges should be filed against the abductor parent and an arrest warrant obtained. The District Attorney's Office should be notified in parental kidnapping cases to expedite court procedures. In certain cases, the District Attorney's Office may seek a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant through the United States Attorney's Office.

ABDUCTION CASES are; a priority and require that the child be considered in extreme danger and are therefore subject to mobilization of available resource of the investigating agency. A command post (CP) should be established away from the child's house. An officer should be stationed at the house to maintain communication between the CP and the parents in the event that the child is found or returns home. If the child is found seriously hurt or dead, the officer at the home should be informed discreetly. The search for an abducted child has two purposes: (1) primarily, to find the child and ensure his or her safety, and (2) secondarily, to identify, locate, and apprehend the perpetrator and build a case that will result in his or her conviction in a criminal The District Attorney's Office and the court. State Police Missing Persons Unit should be notified immediately in all abduction cases. The FBI also should be informed of the abduction.

UNKNOWN MISSING CASES should be investigated using all of the techniques discussed in the other three case categories. A child who is missing due to unknown causes should be assumed to be in extreme emerge that danger until facts indicate otherwise. An immediate investigation should be conducted and is required by law in the case of a missing child (Chapter 22A, §4). There should be no waiting period established before taking action. If any unusual circumstances are present, a command post should be set up and an extensive search and investigation conducted.

16. The District Attorney's Office and the State Police Missing Persons Unit should be notified in any case in which their resources may be helpful.

- 17. If the investigating officer determines that the aid of outside agencies or special equipment will be helpful, a request for these services shall be made after consultation with the officer-in-charge.
- 18. Notification of the general public through any of the news media can be valuable in locating a missing person. A decision to use such facilities shall be made after approval by the officer-in-charge and consultation with the family of the missing person.
- 19. Officers assigned to a missing person case should maintain contact with family members and frequently report the status of the investigation.

RECOVERY OF MISSING PERSON

- 20. Whenever a missing person is located, officers shall ensure that medical attention is provided, if required.
- 21. When officers locate an adult missing person, the investigating officer shall be notified and shall notify the party originating the report of the status of the missing person, bearing in mind the missing person's right to privacy.
- 22. When a missing child is found, the investigating officer shall be notified and shall request that the parent or legal guardian come to the station for the child. If the parent or guardian is unable to do so, DSS shall be notified in an effort to provide temporary custody for the child.
- 23. Whenever a missing person has been located, the investigating officer shall order notification of all of the agencies and data bases which had been contacted previously (State Police, CJIS, NCIC and FBI). [See attached form, Attachment "E".]
- 24. All missing persons, when found, shall be questioned as to their whereabouts and activities. Police should determine whether the missing person was the victim of any crime during the period of absence. Eliciting a full account of the missing person's whereabouts is essential to future corroboration of the missing person's story.
- 25. Officers locating a missing person shall file a report detailing the circumstances surrounding the 'finding of the person and any particular difficulties encountered (for example, reluctance

or refusal to return home) should be noted, as this may signal neglect or abuse in the family. If there is any indication of neglect or abuse of a child, a Chapter 119, sec. 51A report should be filed with DSS. Any other appropriate follow-up action, including the filing of criminal charges, should be taken.

26. If a missing person is found dead, the procedures outlined in G.L. c. 38, §6, requiring notification of the Medical Examiner and the District Attorney or his representative should be followed. If the deceased is not identified, police also should act to ensure that the Medical Examiner notifies the Department of Public Safety (Missing Persons Unit) and furnishes other identifying data, in compliance with the requirements of Chapter 22A, §5.

MISSING PERSON REPORT

| Date/Time Rec'd: | NCIC #: |
|---|-------------------------|
| Date/Time Rec'd: Officer: Investigating Officer: | LEAPS #: |
| Investigating Officer: | OCA #: |
| Date Entered LEAPS/NCIC: | Uperator: |
| Date Entered LEAPS/NCIC: Person Making Report: Address: | Pelationship to Subj : |
| Address. | Relationship to bubj |
| | |
| | |
| Name: | Age: D.O.B.: |
| Address: | Tel.#: |
| Sex: Height: Weight: | Build: Race: |
| Eye Color: Hair Color: | Hair Style |
| Facial Hair/Style (beard, etc.) | |
| Clothing Last Seen Worn: | |
| | Contact Lenses: |
| Any Mental/Physical Impairment: | |
| | |
| Date/Time Wi Missing: La | nere/When ast Seen: |
| Date/Time Wind Wind Wind Wind Wind Wind Wind Wind | ast Seen: |
| Missing: La | ast Seen: |
| Missing: Land Possibly Traveling With: Possible Destination(s): | ast Seen: |
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| Missing: Land Missing: Land Missing: Land Missing: Land Missing: Land Missing Traveling With: Land Missing Destination(s): Land Land Land Missing Juvenile: Land Land Land Land Land Land Land Land | Tel. #: |
| Missing: | Tel. #: Tel. #: Model |
| Missing: Land | Tel. #: |

FURTHER INFORMATION .

| Soc. Sec. #: | Marital Status: |
|---------------|--|
| Complexion: _ | Scars/Marks/Tattoos: |
| Condition of | Teeth: |
| | • |
| Describe any | mental, emotional or physical problems: |
| Fingerprint C | Classification: |
| Does the miss | sing person take any kind of medication? |
| What kind: | When last taken: |
| When needed n | next: Effect: |
| Additional De | escription: |
| Employer/Scho | ool: |
| Employer/Scho | ool Address: |
| Phone: | Occupation |
| Ever been mis | ssing before: When: |
| How long: | |
| Circumstances | 5: |
| Names and add | dresses of friends and relatives: |
| | |
| - | |
| | ented: |
| | ich friends and relatives have searched: |
| Remarks: | |
| | |

ATTACAMENT "B" MISSING PERSON ENTER [F 121] 1 TIME OF REQUEST USE CHE o = Disability בות שמסט I = Involuntary TRANSACTION E - Endangered - Juvenile STATION OPERATOR MODIFY mini Station Code MAME: RACESET: HEIGHT: WEIGHT: HAIR: EYES: . DOB: 02 DORESS: CITY: STATE: DRIVLICHO: CT-CONNECTICUT SOCSECHO: WARRHO: DATEMUE 12 : " Date of Junevile's 18th Birthday. DATEMISSING . PLATETYPE: LICPLATE: YIII: MAKE: BROADCAST. *[== = = 1

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AUTHORIZATION FOR RELEASE OF MEDICAL AND DENTAL RECORDS

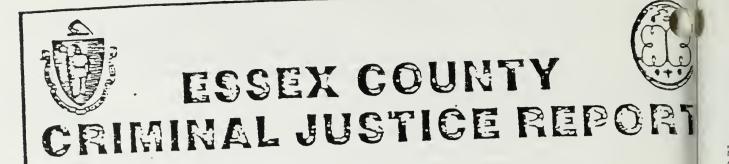
| I,, do hereby (name of parent, guardian or family member) |
|---|
| authorize the doctors and dentists listed below to to release |
| to the any and all (investigating agency) |
| medical and dental records, or other information which may |
| facilitate the location and identification of |
| (name of missing person) , who is currently missing. I |
| authorize this release on the condition that police and other |
| persons who shall receive such information will use it only for |
| the purposes of locating and identifying said missing person |
| and will otherwise hold the information in strict confidence. |
| (signature) (date) |
| Give names and) addresses of) doctors) Dr. |
| |

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COMMONWEALTH OF MASSACHUSETTS HISSING PERSON AFFIDAVIT/VERIFICATION

| MISSING PERSON AFFIDAVIT/VERIFICATION | | | | |
|---------------------------------------|--|--|--|--|
| 3HAH | DATE OF RENTH | | | |
| ADDRESS | SOC.SEC.1 | | | |
| HISSING PERSONS | HCIC/LEAPS CATEGORIES (Check one category in each column) | | | |
| physical/ment. thereby subject | A person of any age who is who is under proven at disability or is senile, ting themselves or others to made themselves or others to mediate danger. | | | |
| missing under | RY: A person of any age who is circumstancee indicating that the enot voluntary, i.e., abduction PIJUVENILE/PARENTAL ABDUCTION A person under the age of eighteen who had been removed from a custodial guardian by a parent or other relative without consent of the cuetodial | | | |
| | Us JUVENILE/K'DNAPFING OR UNUSUAL CIRCUMSTANCES A person under the 19e of eighteen who is missing under circumstances that indicate kidnapping or foul play, or that represent a significant departure from the subject's normal behavior and not including voluntary absence. | | | |
| | At ADULT/KIDNAPPING OR UNUSUAL CIRCUMSTANCES A person eigntuen years of use or older who is missing under circumstances that indicate kidnapping, or foul play or that represent a significant departure from the subject's normal behavior and not including voluntary absence. | | | |
| In the company | O: A person of any equivalence of another person under circum- ting that their physical safety F: JUVENILE/ENDANCIRED A person under the age of eighteen who is missing and in the company of another under circumstances that indicate field physical safety is in danger, but not abduction or kidnapping. | | | |
| | A person eighteen years of age or older who is missing and in the company of another under circumstances that indicate their physical safety is in danger, but not abduction or tilinapping. | | | |
| | A person under the age of oes not meet any of the orth above. V: JUVENILE/VOLUNTARY MISSING A person under the age of eighteen who appears to be voluntarily missing, i.e., runaway, etc. | | | |
| V: VICTIM: | A person of any age who is a dieaster. | | | |
| | ••••••••••••••••••••••••••••••••••••••• | | | |
| | APPIDAVIT | | | |
| INDICATED IN . | LY SWEAR (OR AFFIRM) THAT THE INDIVIDUAL HAMED ABOVE IS DECLARED MISSING AS FIRE CATEGORIES CHECKED; THAT HIS OR HER WHEREABOUTS ARE UNKNOWN; THAT UPON CONTACT WITH THE SAID MISSING PERSON, I WILL NOTIFY IMMEDIATELY THE DEPARTMENT. | | | |
| Signature of C | Omplainant | | | |
| XZZZZZZ OT COM | plainant Relationship to Hiseing Parson | | | |



KEVIN M. BURKE District Attorney

VOLUME I, No. 3

MAY-JUNE, 1985

SPEAKING OUT PARENTAL KIDNAPPING: FASSACHUSETTS LAW AND POLICE RESPONSIBILITY

The issue of missing children is currently in the national spotlight. The movie "Adam" has been aired again, and pictures of missing children are now on milk cartons and trucks. We in law enforcement are asked by parents to explain the best ways to prevent their children from being kidnapped. Commercial interests have entered the field by offering gadgets, some quite expensive, which supposedly will stop a kidnapping.

What is little known to the public at large, but well known to

(Continued on Page 2)

PARENTAL KIDNAPPING: // MASSACHUSETTS LAW AND POLICE RESPONSIBILITY (Continued from Page 1)

police officers, is that there are very few stranger abductions of children. (The last one in Essex County appears to be ten years ago in Lawrence.) Over half of the children shown as missing after the Adam movie, and most of the pictures on the milk cartons, are children who have been illegally taken by a parent. Parental kidnapping is far more common than abductions by strangers, but parental kidnapping has not yet received adequate attention from law enforcement. Perhaps a "sensible reluctance" to get involved in "domestic" matters is the reason. Unfamiliarity is now a problem. Even if a police officer is willing to assist, how is he or she to determine whether a parent is acting illegally?

The Law of Parental Kidnapping and Police Duties

Since 1979 Massachusetts has had a criminal law punishing parental kidnapping, G.L. c.265, s.26A. This statute is violated when:

- a relative of a child under age eighteen
- without lawful authority
- holds or intends to hold such child permanently or for, a protracted period, or
- 3A. takes or entices such a child from his lawful custodian.

This violation is a misdemeanor, punishable by imprisonment for up to cne year, by a fine of up to \$1,000, or by both. The violation is a felony if aggravated either:

- 4. by taking or holding the child outside the Commonwealth, or
- 4A. which occurs under circumstances which expose the child taken or enticed from lawful custody to a risk which endangers his safety.

The felony is punishable by imprisonment for not more than <u>five</u> years or by a fine of not more than <u>\$5,000</u>, or by both.

Who May be Prosecuted Under G.L. c.265, s.26A?

Merely listing the elements of the crime of parental kidnapping is not enough to enable police officers to determine whether a crime has been committed. The critical questions are: (1) how can an officer determine that the relative who took the child did not have "lawful authority" and (2) what is a "lawful custodian."

Although Massachusetts appellate courts have not interpreted this statute, the Listrict Attorney's Office has handled over one hundred cases of parental kidnapping. In the trial courts of Essex County, the office has faced numerous arguments by parents who have claimed they could not be prosecuted under the statute. Based on our detailed research on this statute and similar statutes in other states and our experience in the district courts of Essex County, we can recommend the following to officers:

- 1. Do not dismiss a complaint by saying that nothing can be done or that the situation is "just domestic" or that "it is not serious because the child is with a parent." To emphasize its desire for improved handling of child kidnapping complaints, the Massachusetts Legislature has created recently a statewide central register. (See Legislative Update, St. 1984, c.356, in March, 1985 Criminal Justice Report, Vol. I, No. 1). Added to the statutes is Mass. G.L. c.22A, s.4, which requires police officers to enter relevant information on missing children immediately into the central register, and to "immediately undertake to locate such missing children."
- 2. A parent may be prosecuted for child kidnapping even if that parent has legal custody, either sole custody or joint custody. The statute does not permit a custodial parent to withhold, a child "without lawful authority." If parent 1 has sole custody and parent 2 court-ordered visitation, parent 1 acts without lawful authority with significantly interfering with legal rights of parent 2. Similarly, even though one joint custodian is a lawful custodian, the other parent in a joint custody situation is also a lawful custodian. Thus a parent can be prosecuted for taking a child from the other lawful custodian, even though the parent is also a legal custodian.
- Contact the District Attorney's Office on all substantiated cases of parental kidnapping, preferably before obtaining a criminal complaint. All cases are handled by Salem staff in order to provide for consistent treatment. In addition, the District Attorney can coordinate a search effort which involves other states. Although this office will provide assistance in all cases when possible, full-scale investigative assistance from the prosecution staff will be available primarily in cases where kidnapping is suspected and the location of the child is not known.
 - 4. Be aware of G.L. c.22A, which was made effective March 18, 1985. That chapter establishes a statewide central register for missing children, and requires that police enter information in the central register (not yet in operation) "whenever a parent, guardian, or governmental unit responsible for a child" reports that a child is missing. The Commissioner of Public Safety is responsible for this register. Chapter 22A defines a missing child as "any person under register. Chapter 22A defines a missing child as "any person under the age of eighteen years missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by the

responsible for such child's care." There is no/requirement of a 24-hour waiting period before an official report of a missing child can be made. This statute requires immediate action.

- 5. Utilize NCIC to make entries concerning missing children, including children unlawfully taken by a parent. Information can be entered even if the parent is not charged criminally. Make sure that all entries are as complete as possible.
- 6. Investigative and procedural assistance can be obtained from the State Police Missing Persons Unit, 1.800-622-5999. You may contact the central office of the District Attorney in Salem and ask for assistance about a parental kidnapping case.
- 7. Even if Mass.G.L. c.265, s.26A has been violated, often cases can be satisfactorily resolved without initiating criminal proceedings. A formal letter from the District Attorney's Office to the taking parent and other relatives has resulted in many children being returned "voluntarily."

Summary of Applicability of G.L. c.265, \$.26A

- (1) Divorce/Separation. Custody in one parent, visitation for the other.
 - (a) Parent with visitation rights leaves with children:

 Criminal violation, where period of time held shows criminal intent to keep child for a "protracted period."
 - (b) Custodial parent leaves with children:
 May be a criminal violation. The custodial spouse is
 "without lawful authority" to hold the child permanently from the other spouse in violation of a custody order. A complaining spouse may obtain at least temporary help in violations of custody orders from the Probate Court.
 - (c) Joint Custody:/
 Parallel situation to section (1)(b).
- (2) Unmarried Parents.
 - (a) Visitation order violated:
 Same argument as (1)(b). Custodial parent has no lawful authority to deprive visitation by leaving.

Essex County Criminal Justice Report

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- (b) No order mother takes child:

 This statute does not apply since an alleged father apparently has no custodial rights.
- (c) No order father takes child:

 Father can be prosecuted under s.26A because mother has all custodial rights under common law.
- (3) Married parents No orders of temporary custody:
 Rights of parents have been held to be equal; therefore one
 parent is without lawful authority to hold children from
 other parent, and criminal statute may apply. Either parent
 may be criminally prosecuted for taking the child.

Joseph B. Green Chief District Court Prosecutor

ALZHEIMER'S ALERT!

A police department registry to assist care givers of persons with dementing illness.

Instructions: Complete form, affix photograph, and return to police department.

| Patient | | |
|---|---------------------------------|---------------------------------------|
| | Lives with | |
| | Relationship to patient | |
| | Address | : |
| • | | Zip |
| | Telephone | |
| AFFIX A RECENT PHOTOGRAPH HEAD AND SHOULDERS PREFERRED | | |
| | Neighbor or Other local contact | |
| | Relationship 💉 | |
| | Address | |
| | | Zip |
| | Telephone | · · · · · · · · · · · · · · · · · · · |
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| | Other family contact | |
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| 200 | / | |
| 1761 | tient Information | |
| Date of Birth | | |
| Height | | |
| Color of Eyes | Color of Hair | |
| Identifying scars/deformities | | |
| Does patient attend Day Care Program? | If so, where? | |
| Patient's Physician | | |

Patient's Habits

| Does patient wander? | |
|---|----|
| f so, in any particular direction/place? | |
| | (|
| | |
| Does patient carry identification (i.e. 1.D. bracelet, wallet information)? | |
| | |
| | 3 |
| ndividual habits/speech? | |
| | |
| | |
| | |
| Is patient abusive - physically and/or verbally? | 7 |
| | |
| | |
| Any other helpful comments: | 18 |
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| Registration submitted to police department by | |
| Relationship to patient | |
| Date submitted | 0. |

1. What is AIDS?

Acquired immune deficiency syndrome (AIDS) is a disease complex characterized by a collapse of the body's natural immunity against disease. Because of this failure of the immune system, patients with AIDS are vulnerable to one or more unusual infections or cancers that usually do not pose a threat to anyone whose immune system is working normally.

2. Who is at risk for AIDS?

Approximately 95 percent of AIDS cases in the U.S. have occurred among the following groups of people:

- 73% homosexual or bisexual men;
- 17% heterosexual IV drug users;
 - 3% persons with hemophilia or others who received transfusions of infected blood or blood products prior to mid-1985 when testing of blood supplies and other precautions were initiated to reduce this risk;
 - 2% heterosexual contacts of persons with AIDS or at risk for AIDS;
 - 1% children who apparently acquired AIDS prior to or during birth from infected mothers.

Some 5% of AIDS cases cannot be assigned to these risk groups, but researchers believe that transmission occurred in similar ways. Some patients die before complete histories can be taken; others refuse to be interviewed.

3. How contagious is AIDS?

Unlike most transmissible diseases — colds, flu, measles, etc. — AIDS is not transmitted through sneezing, coughing, eating or drinking from common utensils, or merely being around an infected person. After six years of experience it is evident that casual contact with AIDS patients does not place others at risk. No cases have been found where AIDS has been transmitted through casual (non-sexual) contact to a household member, relative, co-worker or friend.

-4. How is AIDS transmitted?

AIDS is not an easily transmissible disease. All evidence indicates that AIDS is spread through sexual contact, needle sharing or less commonly through transfusions of blood or blood components before blood supply protections were initiated. Direct blood-to-blood or semen-to-blood contact appears necessary to transmit the virus associated with AIDS. There is no evidence that AIDS can be transmitted through air, water, food or casual body contact.

5. Why are IV drug abusers at increased risk for AIDS?

IV drug abusers often share needles for drug injection which can result in small amounts of blood from an infected person being injected directly into the bloodstream of the next user.

6. Is AIDS passed by kissing?

HIV virus has been found in the saliva of some AIDS patients, but there is not a single case of AIDS that is known or suspected of having been transmitted by kissing. If AIDS were transmitted by kissing, many family members of persons with AIDS would be expected to have developed the condition. This has not occurred.

7.. Can prostitutes spread AIDS?

There are currently no proven cases in the U.S. of AIDS transmission from a female prostitute to a male. Prostitutes are likely carriers of HIV virus since they are often IV drug abusers. Most prostitutes require use of condoms, but anyone who engages in sex with an anonymous partner is increasing the risk of contracting AIDS and sexually transmissible diseases.

8. What is the risk of getting AIDS from a blood transfusion?

The risk of contracting AIDS through a blood transfusion has been significantly reduced through screening of all blood donations since mid-1985 for antibodies to HIV and removal of blood found antibody positive from the transfusion pool. The risk of contracting AIDS through a blood transfusion was only 1 in 1,000,000 prior to initiation of blood screening; the risk is now significantly lower.

9. Can you get AIDS by drinking from the same glass or eating from the same dishes as a person with AIDS?

Six years of experience indicates that AIDS is not transmitted in households where people may drink or eat from common dishes or utensils. The virus associated with AIDS does not survive well outside of the body and would be killed by normal washing of dishes and other eating utensils.

10. Can you get AIDS from public toilets, drinking fountains, telephones or public transportation?

AIDS is not transmitted through the air, food or water, or by touching any object handled, touched or breathed on by an AIDS patient. The virus associated with AIDS does not survive well outside of the human body.

- 11. Can you get AIDS from eating in a restaurant where someone with AIDS is working as a cook or waiter?

 Eating in restaurants does not increase the risk for AIDS. There are no cases of AIDS that have been transmitted through food preparation or food handling.
- 12. Can you get AIDS by touching someone who has it?

 After six years of experience there is no indication that AIDS is spread through any form of casual contact, including handshakes, bumping together in crowds, contact sports, even casual kissing.
- 12. Can AIDS be spread by swimming pools?

 There are no cases of AIDS suspected of having been transmitted through swimming pools. The virus associated with AIDS would be killed by the chlorine used to disinfect swimming pools.
- 14. Can you get AIDS from handling money?
 Years of experience indicates that AIDS is not transmitted through objects touched or handled by an AIDS patient.
- 15. Can you get AIDS by being in the same house with an AIDS patient?No. Experts point out that no household member of any AIDS patient other than a sexual partner or an infant born to an infected mother
- 16. Are people at increased risk for AIDS because they live in certain geographic areas (such as San Francisco or New York City)?

 People are only at risk for AIDS if they engage in high risk

has developed the disease.

People are only at risk for AIDS if they engage in high risk activities—sexual contact involving blood-to-blood or semen-to-blood exchange, or sharing needles.

17. Are health care workers or other occupational groups at special risk for AIDS?

Safety protocols have been developed for health care workers and other occupational groups that may come into contact with body fluids of AIDS patients in their work. The federal Centers for Disease Control is following some 1,000 health care workers who have experienced blood-to-blood or blood-to-mucous exposure to the body fluids of AIDS patients; many of these workers have had needle-stick injuries while treating AIDS patients. Only two health care workers (one in the U.S. and one in England) have reportedly developed antibodies to the AIDS-linked virus after experiencing deep punctures with needles containing the blood of AIDS patients. These cases demonstrate the need for health care workers to strictly follow safety guidelines when handling needles or other sharp instruments used for AIDS patients.

18. How many cases of AIDS have occurred so far?

In the United States, there have been nearly 25,000 cases of AIDS reported to the Centers for Disease Control over a six year period, with a steady increase each year since the identification of the disease in 1981. For an update of reported AIDS cases, contact the Centers for Disease Control at (404) 329-3651.

19. How many men have developed AIDS?

Approximately 8% of reported AIDS cases are homosexual or bisexual males who report intravenous drug use and 65 are homosexual or bisexual males who are IV drug users.

20. How many women have developed AIDS?

Approximately 1% of the AIDS victims are females. Most women with AIDS are IV drug abusers; a few are sexual partners of males with AIDS.

21. What are the reported number of cases of AIDS in correctional facilities?

In a recent survey of state, federal and local correctional facilities, nearly 800 cases of AIDS were reported throughout the country. For a detailed breakdown of the source of AIDS cases see AIDS in Correctional Facilities. National Institute of Justice. Washington, D.C. 1986.

22. Is AIDS spreading in prisons?

In a recent report by the National Institute of Justice, most of the prison AIDS cases appeared in persons with histories of intravenous drug use, prior to entering the correctional system. Currently, there is no research which indicates that AIDS is spread in prisons, although there may be a higher concentration of individuals in the high-risk categories with correctional facilities (jails and prisons).

23. Are there any reported cases of AIDS in Correctional Officers?

To date, there have been no reported cases of AIDS in Correctional Officers. Researchers have studied groups of health care workers, who have daily contact with AIDS patients and their body fluids. These studies indicate that health care workers did not become infected with the AIDS virus.

24. Is there incidence of AIDS among law enforcement officers?

There have been no reported cases of law enforcement officers being infected with the AIDS virus as a result of their interactions with high-risk or AIDS-infected individuals. Since the disease is transmitted through direct contact with blood and semen, it may be safe to assume that a law enforcement officer not within the high-risk groups is at no more risk of AIDS than any other professional who has daily contact with AIDS-infected individuals.

25. Is the incidence of AIDs increasing among IV drug abusers?

New York State and nearby New Jersey have the highest number of AIDS cases among IV drug abusers in the nation. In 1985, approximately 38% of all New York State AIDS patients reported IV drug use; some of these persons also reported homosexual or bisexual activity. There has been a slight increase in the proportion of IV drug related AIDS cases in the last few years, and cases in this risk group are expected to grow dramatically in the next few years.

26. What is the geographic distribution of reported AIDS cases?

Thirty-four percent of the cases in the U.S. are reported from New York State and about 23 percent from California. AIDS cases have been reported from all 50 states, the District of Columbia, Puerto Rico and most other countries.

- 27. Is AIDS occurring only in our country?

 AIDS is a world-wide phenomenon. In addition to the United States and Canada, AIDS has been reported in 18 European countries, at least 21 African countries, the Caribbean, South America, Australia and several other places including the Middle East and Asia.
- 28. Is there a test for AIDS?

There is no test to determine if a person has AIDS or will develop AIDS in the future. A test has been developed for detecting antibodies (substances produced in the blood to fight disease organisms) to the virus linked with AIDS. Presence of HIV antibodies means only that a person has been exposed to the virus; it does not indicate whether the person is infected or has or will develop AIDS.

29. How is AIDS diagnosed?

Since there is no single diagnostic test for AIDS, diagnosis is based on evaluation of a variety of indicators including immune system function and presence of HIV antibodies and AIDS-associated infections and diseases.

30. What is the incubation period for AIDS?

The onset of symptoms following infection with the HIV virus is thought to range from six months to several years. Most people exposed to the virus have not developed AIDS so far.

3) What are the symptoms of AIDS?

In its early stages, immune deficiency may not cause any symptoms. The symptoms that AIDS victims eventually develop are related to the diseases or infections that attack them because of their inability to fight off infection.

These symptoms are persistent and may include:

- extreme tiredness, sometimes combined with headache, dizziness or lightheadedness;
- continued fever or night sweats;
- weight loss of more than 10 pounds which is not due to dieting or increased physical activity;
- swollen glands in the neck, armpits or groin;
- purple or discolored growths on the skin or the mucous membranes (inside the mouth, anus or nasal passages);
- heavy, continual dry cough that is not from smoking or that has lasted too long to be a cold or flu;
- continuing bouts of diarrhea;
- thrush, a thick whitish coating on the tongue or in the throat which may be accompanied by a sore throat;
- unexplained bleeding from any body opening or from growths on the skin or mucous membranes; brusing more easily than usual;
- progressive shortness of breath
- 32. How is AIDS treated?

Currently there are no drugs available that have been shown to cure AIDS, although the search for an effective treatment is being pursued vigorously. Some drugs have been found that inhibit the action of HIV, but these may not lead to clinical improvement. Treatment is directed at the specific opportunistic infections or cancer which attack AIDS patients.

33 How many people have died from AIDS?

Approximately 50 percent of all persons diagnosed with AIDS have died. The death rate increases to nearly 70 percent two years after diagnosis.

34. Does anybody ever survive AIDS?

Some people with AIDS are still alive four-five years after diagnosis. Since there is no known way to reverse the damage to the immune system, we don't know how long AIDS patients can live. Tracking of the disease has only been underway for about five years, so we have no long term records.

35. Is there a vaccine to prevent AIDS?

There is currently no vaccine to protect a person from the HIV virus or AIDS. Researchers in the U.S. and other countries are working diligently to develop an AIDS vaccine. Scientists report that this may be difficult because the virus can alter its form in the human body.

36. What is the Federal Government doing to find a cure or treatment for AIDS?

The U.S. Department of Health and Human Services, through the National Institutes of Health, is funding research projects to find preventative and/or treatment methods for AIDS and/or the opportunistic infections associated with the disease. In addition, various branches of the federal government, such as the U.S. Department of Justice and the National Institute of Corrections, are funding research and training programs to assist state and local officials in addressing the problem of AIDS. An example of one such program is the National Sheriffs' Association AIDS in Correction Project.

37. How many children have AIDS?

Most recent reports indicate that approximately 300 children have AIDS, which accounts for approximately 1.2% of the total AIDS cases in the United States.

38. How do children get AIDS?

The majority of infected children acquired AIDS from their infected mothers, presumably through blood exchange in the uterus or during birth. A few children developed AIDS from blood transfusions prior to screening of the blood supplies.

39. Since AIDS is transmitted through blood contact, could a child get it through a schoolyard fight or during a contact sport like football?

There is no evidence of AIDS transmission through a sports injury. Blood transfusions have transmitted the virus associated with AIDS, as have dirty needles shared by IV drug abusers, but that is not the same thing as external contact with blood as might occur in a sports injury.

40. Is there a national policy with respect to children with AIDS attending schools?

There is no national policy with respect to children with AIDS attending school. Decisions regarding the type of educational setting for children with AIDS or ARC should be based on the behavior, neurological development and physical condition of the child. The appropriate decision makers would include the child's parent or guardian, physician, public health personnel and school officials.

- 41. What is being done to prevent the spread of AIDS?
 - a. Education: Educational campaigns are directed to the general public and those in risk groups for AIDS, encouraging them to discontinue any practices which have been linked with the possible spread of AIDS.
 - o All sexually active males and females are being advised to refrain from anonymous sexual contact with persons whose past history and current status is unknown, and to avoid sexual practices which can result in blood-to-blood or semento-blood exchange.
 - o Male homosexuals and bisexuals who have had sexual contact with a number of partners are being advised to assume they have been exposed to the HIV virus and to refrain from any sexual contact involving the exchange of body fluid.
 - o <u>Drug abusers</u> are being urged not to share needles or other drug injection equipment and to enter drug treatment programs to become drug free.
 - o High-risk women who are engaging in IV drug abuse or are sexual partners of IV drug abusers are being advised that if they are infected and become pregnant they can pass the virus to their child. The federal Centers for Disease Control has recommended that all high risk women of child bearing age obtain voluntary, confidential HIV antibody testing to determine their health status prior to becoming pregnant.
 - b. Safety Protocols: Occupational groups that may come into contact with AIDS patients are being instructed in safety precautions to prevent direct contact with blood and body fluids. Safety guidelines have been developed for: health care workers, dentists, laboratory personnel, ambulance personnel, funeral directors, prison personnel and others.
 - c. Screening of blood: All blood collected in the U.S. is now being tested for antibodies, to HIV. Blood which tests positive is eliminated from the transfusion pool. Persons in high risk groups are being advised to refrain from donating blood. Sperm banks and organ banks have been advised by the Centers for Disease Control to test potential donors for HIV antibody and to not accept sperm or organ donations from individuals who are antibody positive.
 - d. Voluntary free HIV testing is provided for persons who wish to determine if they have been exposed to the virus linked with AIDS. Such testing is not recommended for members of the general public, but may be advisable for individuals in high risk groups so that they may modify their behaviour to reduce further exposure to the virus and potential transmission to others.

42. What safety protocols have been developed for occupational groups? And how effective are they?

All occupational groups that may come into contact with blood or semen in the course of their work are advised to take special precautions to guard agains AIDS, Hepatitis B and other infectious agents. These include:

- wash hands following any contact with patient secretions;
- take special care in handling and disposing of used needles;
- guard against needle sticks, cuts and other injuries;
- notify supervisors of any direct exposure to blood, semen or other body fluids;
- wear protective clothing (gloves, gown, goggles) if there is any danger of splashing of body fluids.
- 43. Are states offering HIV antibody testing?

Yes. Some states have established regional testing sites to provide testing for the HIV antibody and counseling for individuals who wish to know if they have been exposed to the virus. Testing at these sites is usually free, and anonymity is maintained through the use of a code system. State health departments will have further information regarding location and services within their respective jurisdictions.

44. Why don't states mandate testing of all persons for antibodies to HIV?

The presence of antibodies in the blood means only that a person has been exposed to the virus at some time. It does not necessarily mean that the individual is carrying the virus, or that he/she will ever develop ARC or AIDS.

45. What is the Federal Government doing to get accurate information to the public about AIDS?

The national AIDS hotline 1-800-342-AIDS is a resource for information regarding the disease. In addition, various agencies within the Federal Government are funding educational informational projects to provide information about AIDS to professional groups and the public at large. One such program is the National Sheriffs' Association AIDS in Corrections Project which provides information to sheriffs departments and the criminal justice system regarding various aspects of the disease.

46. What rights do AIDS patients have?

They have the same rights as those accorded to any other ill member of our society. Unfortunately, discriminatory action has been taken against some AIDS patients by employers, landlords, neighbors, co-workers and others who are apparently acting out of unwarranted fears based on misinformation.

1 47. Is it right to keep an AIDS patient's identity a secret?

Since AIDS does not pose a risk to the general public there is no need for neighbors, shopkeepers, co-workers or others who may have casual contact with a person with AIDS to know. Discriminatory action has been taken against persons with AIDS by those who are uninformed about the disease.

48. Can you be fired because you have AIDS?

The advice from the U.S. Public Health Service is that there is no reason to exclude AIDS patients from employment as long as they feel well enough to work. Some states have human rights laws that protect ill persons, including those with AIDS, from discrimination by employers.

49. Can a hospital worker or ambulance personnel refuse to care for an AIDS patient?

Hospitals and ambulance services have a responsibility to care for the sick, and to assemble a staff capable of carrying out that mission. There is a need for greater educational efforts to ensure that all health care workers understand the potential routes for transmmission of AIDS and to follow recommended safety precautions.

- 50. As a correctional officer, what do I do if blood, semen, spit, feces, vomit, or urine is thrown in my face, on my body, or on my clothing?

 Viruses do not penetrate intact skin. Wash your body with soap and water as soon as possible. If your uniform is visibly soiled with blood or other body fluid, change your uniform, place the soiled uniform in a plastic bag and have it laundered separately using hot water and detergent. If you have significant exposure (splashing of body fluid in the eye, mouth or open skin lesion) consult with your medical staff regarding potential follow up recommendations.
- 151. Is there a danger that I can take the AIDS virus home to my family on my body or on my uniform?

 There is no danger to your family if you wash your hands and change your clothing after exposure to contaminated blood or body fluids.
 - 52. We deal with many violent and disruptive prisoners. What do we do if we get scratched or bitten by an AIDS-infected inmate?

Avoid being bitten. If it happens, wash the wound thoroughly with soap and water as soon as possible; report the incident to your supervisor and seek medical care for treatment of the bite wound. There are no cases of AIDS reportedly transmitted through bites and scratches.

53. Do we need special equipment to do CPR?

No transmission of the AIDS virus (or even of the more easily transmitted Hepatitis B virus) during mouth-to-mouth resuscitation (CPR) has ever been documented. If you have access to a plastic shield for mouth-to-mouth resuscitation, it is recommended that you use it; but not having a device at hand definitely should not prevent you from giving CPR. The chance that you can help someone outweighs any chance of contracting the virus.

54. We often find hypodermic needles during cell searches. What if we accidentally get stuck with a contaminated needle?

Report any needle sticks to your supervisor and consult with your medical staff regarding potential follow up recommendations. Your chances of becoming infected with the AIDS virus from a contaminated needle stick is extremely small. Only one of 1,000 health care workers who have experienced wounds from contaminated instruments has become infected with HIV after a needle stick injury. Contaminated blood was accidentally injected deep into this worker's muscle with a large bore needle.

55. What precautions should responding/arresting officers take in approaching high-risk group members or known AIDS-infected persons?

No special precautions are necessary when approaching high-risk group members not known to be infected with a transmissible disease. When arresting someone known to be infected, gloves should be worn if there is a high likelihood of contact with blood and body fluids, particularly if the arresting officer has open skin wounds on the hands.

56. During intake procedures, (screening, body searches, fingerprinting, and photographing), what precautions should the officer take in cases of arrestees suspected or diagnosed with AIDS?

No special precautions are needed for screening, fingerprinting and photographing. Body searches that may result in contact with blood or other body fluids should be conducted with gloved hands, particularly if an officer has broken skin on the hands.

PERFORMANCE EVALUATION

<u>PURPOSE</u> The goal of this program is to provide police supervisors with an understanding of the employee evaluation process and the ability to successfully implement the process.

I. Overview

II. The Importance of Performance Evaluation

A. Introductory Definitions

III. The Purpose of Performance Evaluations

- A. Accreditation Standard
- B. General Purposes
- C. Summary of Purposes
- D. Job Performance Standards
- E. Relationship of Supervision, Training and Performance Evaluation

IV. Frequency of Evaluation

- A. Formal Evaluation
- B. Informal Evaluation

V. The Common Causes of Rating System Failure

- A. Indifference
- B. Employee Pressures
- C. Failure to Train Raters
- D. Rating Abuses
- E. Slipshot Procedures
- F. Rating Shortcuts

VI. Appropriate Performance Standards

VII. Common Errors and Personal Bias Affecting Evaluations

- A. Personal Bias
- B. General Errors in Rating Efforts

VIII. Conducting the Employee Interview

IX. Duties of the Reviewing Officer

Performance Appraisal

a workshop designed by

Renate Oliver

Management Training Specialist

WORKSHOP OVERVIEW

- Various Methods of Performance Evaluation and Advantages and Disadvantages of Each
- The Issue of Fairness
- Minimizing Your Personal Bias
- Meeting the Needs of the Company, the Employee and Your Own
- The ABC of Documenting Performance
- The "No Surprise" Performance Evaluation Interview
- Preparing Yourself for the Interview
- Assisting Your Subordinate to Prepare for the Interview
- Getting from Judgment to Planning for Improvement
- The Critical Importance of Continuous Feedback
- Practice through Roleplaying

This is a workshop, not a lecture! Your participation, sharing of ideas and insights with others will make this productive day for all of us. While each one of us remains responsible for our own learning, we can think of ourselves as resources for the group as a whole. Ask the questions you want to have answers to, bring up examples, share your knowledge. A good workshop depends on all the people in it, not just the workshop leader!

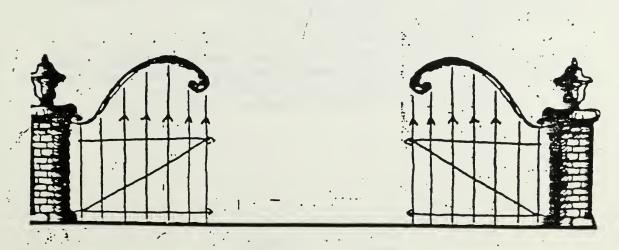
PERFORMANCE EVALUATION - GATEWAY TO BETTER UNDERSTANDING

There probably are few supervisory tasks that are approached with more reluctance by more supervisors than the feedback on performance and the performance evaluation interview.

This may be due to uneasiness about judging others' performance, painful memories of one's own negative experiences with performance appraisal during one's own life experience, reluctance both to confront the less than satisfactory worker as well as praising the outstanding worker and concern over one's ability to overcome personal bias.

This reluctance can best be overcome by viewing the performance appraisal process as an on-going effort to clarify understanding of performance standards and of assisting subordinates to reach their full potential as workers and individuals.

This is a workshop — not a lecture on the "one right way" to give performance feedback. Together we will explore the process of evaluation, the appraisal interview as one formal step in that process and through role play practice how to use the tool of performance feedback in the role of coach and mentor to help subordinates reach their personal best.



1. COMPARATIVE PROCEDURES

a. Ranking

Compares one person against other person(s) on a particular dimension. Comparison is usually made on a "global" dimension. Examples: knowledge of the job; quantity and quality of output; relations with peers and superiors.

Straight ranking, alternate ranking or paired ranking.

Advantage: Seems simple and straight forward. Evaluator has to assign rank, cannot use average.

Disadvantage: Based on "global" concepts which may be interpreted in various ways. Not useful for comparison from one department to another. Not very useful for developmental purposes. If ranking is communicated to subordinates, may

well backfire.

b. Forced Distribution

Comparison made on several performance factors, assigning distribution on a scale, for ex high, med. high, average, low average, low, on a grouped basis.

Advantage: Performance factors usually appear to be clearer than "global" factors. Evaluator only has to assign grouping, not absolute

standings.

Disadvantage: Not useful for very small groups or indivi-

dual appraisals or when a group has successfully been pre-selected for high performance.

Too few or too many groupings.

Tendency to overuse average category.

2. ABSOLUTE STANDARDS PROCEDURE

Individuals are evaluated against a written "absolute" standard rather than against other employees. Usually evaluator is asked whether or not employee displays some performance characteristic or not. For example: "Does the employee answer the phone in a pleasant manner?" Alternatively, you may be asked to measure the degree to which the employee displays the characteristic.

Advantage: The standards appear to be neutral measuring

guides, every employee is measured against the same standards. Because standards describe discreet behaviors, it is useful for develop-

mental feedback.

Disadvantage: Standards may not be relevant to job per-

formance, especially if too many are included. Scales may have too many or too few categories. Scales open to various interpretation since they typically include such standards as often.

usually, seldom etc.

3. MANAGEMENT BY OBJECTIVES PROCEDURE

Individuals are evaluated on progress toward mutually agreed upon objectives. Usually employee starts with a self-evaluation, comparing actual performance against objectives set. Self-appraisal is then discussed with supervisor. If objectives were not met, reasons are analyzed and a new set of objectives is agreed upon.

Advantage: System appears to present clear expectations

of what is to be accomplished. Progress, therefore, is measured not against other people

or absolute standards but agreed-upon goals.

Useful for developmental feedback.

Disadvantage: If goals have been incorrectly specified, the

subordinate may have been devoting energies to

accomplishing unproductive tasks. Goals may have been artificially low.

4. DIRECT_INDEXES

Employees are evaluated without using superior as evaluating agent. Such measures would be quantity of cutput (hourly units produced, monthly gross sales) and quality (percent of units rejected, scrappage, expense of sales).

Advantage: Appears to be "completely fair" and objective. Somewhat useful for developmental planning.

Disadvantage: Can only be used if employee has virtually unlimited control over a distinguishable output.

Not useful when productivity is a function of contribution by fellow workers, supervision, technology etc. Not useful when interaction with others becomes an important part of job

May be useful as a measure of group productivity.

performance..

5. SELF EVALUATION

Employee is asked to evaluate own performance (usually in narrative form) highlighting particular achievements, usually measured against goals set for specific period. Supervisor concurs or disagrees in accompanying narrative. Problems or blocks to performance are analyzed and new goals set.

Advantage: Focus is on achievement.

Useful for jobs that cannot easily be compared or are unique in the organization. Goals for such jobs may be hard to describe in specific

objectives.

Useful for "high achievers" who set high goals for themselves and need little cr no prompting

toward achieving goals.

Disadvantage: If subordinate and superior disagree on goals,

self-evaluation is not useful. If supervisor feels insecure about such a method, MBO may work better. Cannot be used with someone who

has not proven to be a highly motivated, achievement-oriented employee.

THE ISSUE OF FAIRNESS. MINIMIZING PERSONAL BLAS.

Often superviors ask "How can I be sure that I am totally objective when evaluating the performance of my subordinates?"

One can turn that question around and instead say "What steps do I have to take to make sure that I am as fair as is humanly possible by being aware of my beliefs, values and assumptions about the appraisal process."

What is your appraisal style?

FORM FILLER:

Goes through the motions because it is required by the personnel office. Believes that most people are pretty average. Tolerates the few "bad apples", and when an outstanding worker comes along, counts him/herself lucky and doesn't give the outstanding employee a "swelled head" with praise. Basically believes that with automatic COLAs, unions, across—the—board raises etc, performance appraisal is just another way to intimidate and manipulate employees. Assumes that most people work just to earn enough money to do what they want to do the rest of the time and don't really care about their job or how they are doing.

ALEXIENTE:

Believes that once you tell people straight out what you expect, they know they'd better shape up. Assumes that it is your responsibility as a supervisor to set the goals and make sure they are set high enough so they can only be reached by superior effort, in other words "stretch" people. Assumes that most people "slack off" if given a chance but they'll come through and do a good job, if you are demanding enough. Believes that performance appraisal is most useful to shape up those who are in the barely average range.

SUPPORTER:

Believes that helping subordinates set goals they can reach and giving them a lot of positive feedback is the best way to get good performance. Believes that the performance appraisal is the best way to let people know which part of their job they did well and ignore what was not so good because they'll improve on their own if you give them enough confidence in themselves and their ability. Assumes that most people want to do a good job and if part of their performance is not that good, it's because they don't have a "knack" for it or aren't really able to do better.

COACH:

You believe in praising good performance. You also believe in pointing out what is not as good as you think the employee can do. You discuss, together with the employee, specific steps for improvement. You believe that people want to know what they do well and what they don't do so well and how they can get better at it. You believe that supervision, like coaching, is an every-day, every-play activity, sometimes cheering, sometimes correcting, sometimes challenging, sometimes ignoring. You believe that one game does not make a season, one season does not make a career. You believe in developing your subordinates over time. You assume that the players on your team can win because otherwise they wouldn't be on your team.

YOU CAN MINIMIZE YOUR PERSONAL BIAS BY:

- •Looking at results not style or work habits (unless they are part of results)
- Knowing yourself and being honest with yourself about your values and assumptions
- Checking out your conclusions with others, where appropriate
- Keeping your mind open
- Be aware of positive and negative "halos"
- Keeping regular and accurate records



"Sure, if you're going to look for mistakes, you're bound to find some."

MEETING THE NEEDS OF THE COMPANY, THE EMPLOYEE AND YOUR OWN

The company needs certain information in written form. Familiarize yourself with them before they are due. Your employees need to know what process and what standards you are going to use to evaluate their performance. You need to keep good records to back up your appraisal.

1. What records does your company require? How often are you to schedule an appraisal interview? What forms are used? Where can you go for assistance if you need it?

2. What do your subordinates need to know about the appraisal process? Standards. Frequency. Who will see records. How records will be kept. How can they add information to their record. What consequences.

3. Take TEN for E-V-A-L-U-A-T-I-O-N every TEN days for every subordinate.

Take ten minutes every ten working days to add information to every subordinate's evaluation file.

Incidents, what you observed, what you did, what subordinate did, what result was.

As you observe your subordinates' performance, think in terms of the categories on the appraisal instrument.

Add your incidents to the file by date. (You may want to tell employees about their file. Invite them to add incidents. Invite them to look at their file)

Taking TEN every TEN days meets:

the company's need for good records

the employee's need for knowing the process and the standards



THE A B C OF DOCUMENTING PERFORMANCE

Documentation needs to be

A ccurate

Record facts as objectively as possible as soon as they occur.

Record Job-related behavior.

Record <u>your</u> observation, not hearsay.

B ehavioral

Describe specific behavior without evaluative words or speculation about "why" person behaved or your opinions

AT I C

Describe behavior that is verifyable by others

C onsistent

Record both positive and negative behaviors.

Maintain the same level of documentation on all subordinates.

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DESCRIBING ATTITUDES AND JUDGMENT

THE "CRITICAL INCIDENT" METHOD:

- A. What behavior examples did you observe?
- B. What attitudes/judgment did you infer from the behavior?
- C. Which behaviors led to effective performance?
- D. Which behaviors need to be improved?

| WHAT I OBSERVED | EFFECTIVE BEHAVI | OR THE OUTCOME WAS: |
|-----------------|---------------------|---------------------|
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"I'd like you to excel."

THE "NO SURPRISE" PERFORMANCE EVALUATION INTERVIEW

The formal performance evaluation interview is the culmination of your on-going feedback and evaluation process. Don't spring any surprises now!

Using an open, problem-solving oriented communication style will be more effective and make the subordinate less defensive.

Choose a time and a setting that is PRIVATE. Set aside enough time WITHOUT INTERRUPTIONS. Use a side-by-side seating arrangement, if possible. Make the interview as stress-reducing as possible. (Offer a cup of coffee or other refreshment, if appropriate. Ask some personal questions or make small talk. Whatever seems to put employee at ease.)

Communicating About Performance

1. Using DESCRIPTIVE rather than EVALUATIVE language.

Evaluative

You're tactless and undiplomatic.

You're too belligerent with the other guys on your shift.

You can't keep making these careless mistakes.

You have a bad attitude.

Descriptive

Some people are put off by your tone of voice and your hostile behavior

Some of the guys on the team perceive you as looking for trouble.

Your carelessness resulted in a lot of rejected parts.

Your negative remarks and your non-verbal behavior seem to indicate a lack of enthusias for your job.

2. Using a PROBLEM-SOLVING ORIENTATION rather than CONTROL.

Control

I want you to do..... over the next few weeks.

I think the only answer is to move you to another shift.

I think my suggestions are clear, so why don't you get to work on them?

What you need to do to cut down on these mistakes is to.....

Problem-Solving

Have you thought what you may be able to do over the next few weeks?

One possibility is to have you move to another shift.

Let's think about these possibilities and we'll get back together and make a decision.

What do you think you can do about cutting down on these mistakes?

3. Showing EMPATHY rather than NEUTRALITY.

Neutrality

I don't see what we can do about that.

Well, that's one way to look at it.

Too bad. We all go through things like that.

You could have an idea there, but let's get back to the real problem.

Empathy

At this point I can't think of anything we can do about that. I'll ask around to see where we may get help with that.

Your comment sounds to me like you.....

I think I know how you feel. I have had something like that happen.

I'm not sure how that relates to the problem. Tell me some more.

4. Stressing EQUALITY rather than SUPERIORITY.

Superiority

I've worked on this for years and I ought to know what will work.

I don't think you need all that background stuff, so let's get on with...

The brass discussed all this with the supervisors before deciding.

After all, I get paid to make the decisions around here.

Equality

This idea has worked before. Do you think it would work in this case?

Let me know if you're interested in all that background stuff so I can fill you in before we go on with...

So far, this has only been discussed at the supervisory level. I'd like to hear your comments.

I have the responsibility to make the final decision, but I'd like to have your ideas and suggestions on this.

Communicating a sense of POSSIBILITY rather than CERTAINTY.

Certainty

I know what the problem is. I'm not interested in another opinion.

This is the way you're going to do it! Period.

I've thought this through pretty thoroughly, so let's not waste any more time on discussing it.

Possibility

I have an idea about this problem but I would like to hear your perception.

Let's try it this way for a couple of weeks. Then we'll evaluate how it went.

I tried to think this through pretty thoroughly. Can you see anything I may have left out?

Some of the pay-offs for you by using these strategies may be:

- Improved creativity in solving problems, by giving the employee opportunity for input.
- Less reluctance on your part to discuss problem areas.
- A clearer understanding by the subordinate why and how she/he needs to change behavior on the job.
- Promoting a sense of cooperation, rather than blaming, to increase individual and group commitment to taking responsibility for job performance and achievement of goals.
- Greater reliance on each person's ability to set specific, measurable standards for her/himself.

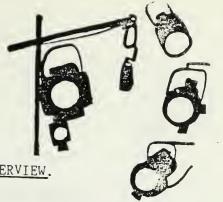
PEÀNUTS











PREPARING YOURSELF FOR THE PERFORMANCE EVALUATION INTERVIEW.

l. <u>Time and Place</u>

- a. Select a time and place that is agreeable to both you and the empoyee.
- b. Make sure it is private and comfortable.
- c. Set aside enough time but not so much that you'll feel you have to fill it up.
- d. Have such items as paper for notes, pencil etc for yourself and employee.

2. Prepare a Preliminary Document.

- a. Review and organize all your incident reports.
- Relate them to specific categories in the appraisal instrument or write a narrative draft.
- c. Underline positive results. Jot down tentative ideas on improving negative results.
- d. Verify your conclusions with someone else, if appropriate.
- e. Evaluate your document critically. (Go back to ABC). Is it specific? Is it behaviorally documented? Is it factual? Is it important to job performance? Does it cite measurable achiements whenever possible?

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. How about

Caused a significant loss

Caused a 53% loss

Has a good attendance record

Has a 96% attendance record

Sold a substantial conract

Sold a contract for \$32 million

Increased production a lot

Increased production by 122 units per month

165

3. Plan Strategy For the Interview.

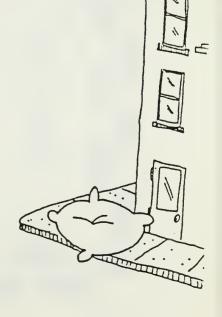
- a. Plan your opening, closing, exploration. Jot down ideas on handling anticipated rough spots.
- b. Decide which achievements to highlight. Decide which less than satisfactory performance results to address and what tentative steps you have in mind.
- c. Decide how much assistance you are willing and able to give.



"That will be all, Mallison. I must say I like the way you kept your mouth shut throughout our little :alk."

ASSISTING YOUR SUBORDINATE TO PREPARE FOR THE APPRAISAL INTERVIEW.

- Set time and place for interview at least ten days in advance by mutual agreement.
- 2. Make appraisal instrument available to employee. Clarify categories of performance, if necessary. Invite employee to evaluate him/herself. Ask them to jot down their goals for the next six months (or other time frame until next appraisal interview), as well as year or longer.
- 3. Offer to make copy of last appraisal available.
- 4. Communicate purpose of interview as <u>mutual exploration of past</u> achievements, problems, goal setting for future.
- 5. Communicate that you are looking forward to opportunity as exchange of ideas, not as a dreaded confrontation.



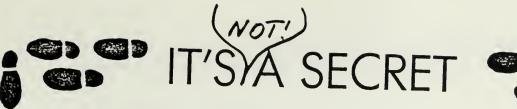
BE PREPARED

GETTING FROM JUDGEMENT TO PLANNING FOR FUTURE IMPROVEMENT.

- 1. Maintain a climate that is friendly, informal, task-oriented.
- 2. Recognize that you both may feel uneasy and defensive.
- 3. Keep the discussion on the future, not what has been. You can't change the past.
- 4. Listen actively. (Clarify, paraphrase to make sure you understand.)
- 5. When it's your turn to talk, be honest and candid.
- 6. Set goals and secure commitment to specific steps for improvement. Set a time-table for review. Spell out how much assistance you are willing to give.
- 7. Keep the number of goals reasonable, both quantity and level.
- 8. Put goals in writing and make sure you both get a copy.
- 9. Be willing to give ideas, suggestions etc, but don't stifle employee's ability to think up solutions. People are more committed to changes they have proposed themselves.
- 10. Thank employee. Describe follow-up procedure. Assure employee that you are there to help employee reach highest potential, not punish.







THE CRITICAL IMPORTANCE OF CONTINUOUS FEEDBACK.

The performance evaluation interview is not the beginning or the end of performance evaluation. It is just one step in a process which needs to be continuous from day to day and week to week.

Make it a point to:

PRAISE each employee at least once a day

RAISE your subordinates' aspirations through personal example

DESCRIBE unacceptable behavior as soon as possible after it occurs and ask for change



Please give me some feedback on my performance as your manager. Please te honest. Unless you are I will not know in what areas of my job I need to improve.

| | · | <u>Usually</u> | Sometimes | Rarely |
|-----|--|----------------|-------------|--------|
| 1. | Do I show interest in you as an individual? | | | |
| 2. | Am I a good listener and do I try to understand your point of view? | | | |
| 3. | Do I show understanding and support when needed? | | | |
| 4. | Am I fair and clear in work assignments? | | | |
| 5. | Do I provide enough challenge in your job? | | | |
| 6. | Do I keep you informed on developments in our organization and department? | | | |
| 7. | Am I a role model for you (through commitment, attendance, punctuality, personal appearance, professionalism) | | | • |
| 8. | Do I encourage you to bring up problems and discuss complaints without fear? | | | |
| 9. | Do I accept suggestions willingly? | | | |
| 10. | Do I react positively to changes? | | | |
| 11. | Do I give credit where credit is due? | | | |
| 12. | Do I show appreciation when appropriate? | | | |
| 13. | Do I give criticism in a constructive and useful way? | | | |
| 14. | Do I admit when I am wrong? | | | |
| 15. | Do I accept feedback in a non-defensive manner? | | | |
| 16. | Do I discuss your performance objectives and how accomplishment will be measured so you can clearly understand it? | ····· | | |
| 17. | Do you receive adequate training to do you job? | · . | | |
| 18. | Do I give you information about advancemen opportunities within the organization? | t | - | |
| 19. | Do I provide opportunties for you to discuyour career plans? | ss | | |

20. If you could change one thing about me, what would it be? (Optional) 170

Development needs sheet

Nane:

Position in organisation:

What are the key activities that you perform? Try to list them in order of importance.

Do you anticipate any significant changes in any of these activities during the next year or so?

What aspects of your job give you the most problems at present?

17/

In what areas do you think you could make a significantly greater contribution to team performance?

In what ways do you think you need to develop as an individual? What learning would help you to:

- (a) meet the challenges of the changes listed
- (b) deal with the problems listed
- (c) help you make a greater contribution to your teams performance.

(d) aid your development as an individual?

Which of these learning methods would be most relevant to you? Indicate order of priority by ranking from 1 to 12, 1 being most relevant.

| 1 Management education course at a business school | 2 Short job-related courses/seminars. | 3 Visits to other companies, etc. | 4 Reading. | 5 Internal courses at present available. | 6 Coaching by your manager. | 7 Coaching by others. | 8 Discussions with colleagues. | 9 Projects/planned experience. | 10 Transfer to another section or function. | 11 Course in human relations management. | 12 Action-based workshop. |
|--|---------------------------------------|-----------------------------------|------------|--|-----------------------------|-----------------------|--------------------------------|--------------------------------|---|--|---------------------------|
| e at a business schoo | ninars. | ប់ | | ailable. | | | | | r function. | nagement. | |

Make a specific proposal to meet your development needs, establishing your own objectives and preferred method of learning.

CRIMENAL PROCEDURE UPDATE

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CRIMINAL PROCEDURE UPDATE

OVERVIEW

Each year the judicial system on both the state and federal level decide cases which impact criminal practice and procedure. the purpose of this in service program is to assist the law enforcement officer in carrying out his/her responsibilities by updating recent changes in criminal procedure.

Participation in this program should be a dynamic thought provoking experience. While many students prefer the law to be presented as clear guidelines it is impossible due to the nature our our judicial system. Through our adjudicatory system, the courts have fashioned general principles that law enforcment officers have to apply to varying factual circumstances. Because of this, students who participate in this program should be active participants. The instructor's role is to facilitate discussion, encourage questions and force the students to apply the general principles to hypothetical situations. The instructor should not rely on a pure lecture presentation.

The material included in this program is a sampling of the important cases decided in late 1987 and the first half of 1988. While every effort has been made to insure the accuracy of this lesson, the instructor should not rely on the case summaries. Instead, the instructor should use the lesson as a guide in preparing his/her own presentation. Also, because criminal procedure is a constantly changing field of law each instructor must keep abreast of recent case decisions and supplement their presentations with appropriate material.

This in service program has been designed to indicate the topical heading of each case, the performance objective(s), and the points which should be covered. Although, the program only includes recent cases, the instructor must cover the "BASIC LAW" in each of the topical headings to assure that the students have an adequate understanding of the law and the impact of the recent decisions.

As indicated above, the instructor must cover the "basic law" to insure that the students have an adequate understanding of that area of the law and the impact of the recent decision. The following represents an outline of basic criminal procedure each police officer should have an understanding of. The outline should be used by the instructor to organize his/her presentation.

I: THE LAW OF ARREST

- A) Definition and elements of an arrest
- B) Authority to Arrest
- C) What constitutes probable cause
- D) Arrests with/without a warrant
- E) Permissible use of force
- F) Procedural requirements upon arrest

II: THE "STOP & FRISK" DOCTRINE

- A) The constitutional basis for the doctrine
- B) The "stop"
 - 1) making an inquiry/reasonable suspicion
 - 2) limits of the inquiry
- C) The "frisk"
 - 1) justification
 - 2) permissible scope

-of a person

-of a vehicle

III: SEARCH & SEIZURE

PART ONE: WARRANTLESS SEARCHES

- A) Constitutional mandate for warrants
- B) Non-Searches--i.e. No expectation of Privacy
 - 1) open fields
 - 2) plain view
 - 3) surveillance of public movements
 - 4) abandoned property
 - 5) K-9 sniff for drugs
- C) Exceptions to warrant requirement
 - 1) search incident to arrest
 - 2) consensual searches
 - 3) exigent circumstances
 - 4) automobile exception
 - 5) inventory searches
 - 6) statutory warrantless searches

PART TWO: SEARCHES WITH WARRANTS

- A) Is warrant substantively valid?
 - 1) neutral & detached magistrate
 - 2) sufficient probable cause
 - 3) if based upon second hand information does it meet the Aguilar/Spinelli two prong test
 - 4) particularity requirement
- B) Was warrant executed properly?

- 1) within time limit
- 2) within scope of warrant
- 3) knock & announce rule

IV: INTERROGATION

- A) Due-process voluntariness
 B) Sixth amendment right to counsel
- C) Custodial interrogation
- D) Standards governing waiver of Miranda

V: IDENTIFICATION

- A) Right to counsel
- B) Due process considerations

I. LAW OF ARREST

- 1. <u>Com v. Bean</u> (Mass Appeals Court) 3/21/88
 - a. In this case, the Appeals Court held that a police officer's arrest of a defendant outside of his territorial jurisdiction was a valid citizen's arrest. Evidence seized was admissible.
- 2. <u>Com v. Derosia</u> (Supreme Judicial Court) 5/4/88
 - a. Absent exigency or consent, search and arrest warrant must be obtained before police enter the home of a third person in search of the suspect. Violation of this rule can result in the suppression of evidence.
- 3. Com v. Hodgkins (Supreme Judicial Court) 3/15/88
 - a. When the defendant waived his right to prompt arraignment and agrees to participate in a video taped re-enactment of the crime for which he was arrested, the video tape is admissible evidence.

II. STOP AND FRISK DOCTRINE

- 1. Michigan v. Chesternut (US Supreme Court) 6/13/88
 - a. Police Conduct, which consisted of a brief acceleration to catch up with the defendant, followed by a short drive alongside him, is insufficient to implicate the Fourth Amendment.
- 2. Com v. O'Laughlin (Mass Appeals Court) 4/28/88
 - a. For the purpose of threshold inquiry, the fact that an individual runs away is insufficient in and of itself to justify a stop.

- 3. <u>Com v. Gutierrez</u> (Mass Appeals Court) 5/16/88
 - a. A person who has just flown into an airport and had presumably been through a metal detector was sufficient to support a finding that a pat down frisk of the person for weapons was not warranted.
- 4. Com v. Ciaramitaro (Mass Appeals (Court) 6/14/88
 - a. Information that may not establish probable cause to stop and search a vehicle at the outset may be sufficient to conduct an investigatory stop based on reasonable suspicion.
- 5. <u>U.S. v. Thomas</u> (9th Circuit) 4/14/88

 a. Prior to a pat frisk for weapons
 as part of a threshold inquiry,
 the officer must have reasonable
 fear for his/her safety.
- 6. <u>U.S. v. Gilliard</u> (lst Circuit) 5/26/88
 - a. The pat frisk of the defendant stopped on reasonable suspicion of a drug transaction was proportional in scope, as police knew that firearms were "tools of the trade" of persons dealing in narcotics and in view of the defendants nervousness.

III. SEARCH AND SEIZURE

- 1. <u>California v. Greenwood</u> (U.S. Supreme Court) 5/16/88
 - a. There is no reasonable expectation of privacy when trash is left outside the curtilage of the home in an area accessible to the public.

- 2. <u>U.S. v. Parr</u> (9th Circuit) 4/7/83

 a. Before a search incident to an arrest can be justified, the suspect must in fact be in custody. Merely placing someone in a patrol car is more in line with an investigatory stop.
- 3. Com v. Madera (Supreme Judicial Court) 4/13/88
 - a. The police may lawfully search a container carried by a person whom they lawfully arrest, where there is probable cause to believe that the bag contains evidence of the crime for which the arrest was made, even in the absence of exigent circumstances.
- 4. Com v. Rose (Mass Appeals Court) 11/3/87
 - a. The statute providing for search incident to an arrest did not authorize the search of a tote bac found in the rear seat of a vehicle after the driver was arrested for operating under the influence of alcohol.
- 5. Com v. Bass (Mass Appeals Court), 9/3/87
 - a. Exigent circumstances justifying a warrantless entry into a dwelling limits the officer's authority to search only to confirm or dispel the exigency.
- 6. U.S. v. Aquino (10th Circuit) 1/11/88
 a. The exigent circumstances
 exception to the warrant requirement justified a warrantless
 entry into the home of a defendant suspected of selling illegal drugs.

- 7. <u>U.S. v. Alexander</u> (11th Circuit) 1/22/88
 - a. Probable cause alone is not sufficient to conduct a warrantless search of a motor vehicle.
 The prosecution must still show exigency even though the Courts have only required a minimal showing of exigency.
- 8. U.S. v. Markham (6th Circuit) 4/18/88
 a. Under certain circumstances, the
 automobile exception may extend to
 a vehicle pushed in a private
 driveway.
- 9. Com v. Bishop (Supreme Judicial Court), 6/6/88
 - a. When an inventory policy is silent as to whether or not closed containers should be opened and, under what circumstances, too much discretion exists for the individual officer in violation of Article 14 of the Mass.

 Declaration of Rights.
- 10. Com v. Eagleton (Supreme Judicial Court) 4/19/88
 - a. M.G.L. Chapter 140 Sections 66 and 67 which allow administrative inspections of auto body shops and used car businesses are valid under the Fourth Amendment.
- 11. Com v. Reguero (Mass Appeals Court) 6/1/88
 - a. While an informer witnessed no drug transactions, probable cause for a warrant to search the defendant's apartment was supported by the informer's reported conversations about wholesale size transactions and observations of drug implements, reinforced by police investigation.

- 12. Com v. Treadwell (Supreme Judicial Court) 5/10/88
 - a. When a search warrant did not adequately describe the premises to be searched, it effectively left the police with discretion to choose between two apartments, causing the search warrant to be invalid.
- 13. Com v. Bahoroian (Mass Appeals Court)
 - a. The Court in this case specifies again the circumstances which justify the use of "any person present" language in a search warrant.
- 14. $\frac{\text{Murray v. U.S.}}{6/27/88}$ (U.S. Supreme Court)
 - a. The Fourth Amendment does not require suppression of evidence initially discovered during a police officer's illegal entry if it is also discovered during a later search pursuant to a valid warrant based wholly on an independent source.

IV. INTERROGATIONS

- 1. Welch v. Butler (5th Circuit) 1/9/88
 a. The use of the suspects religious beliefs in this case were not employed by the poice to coerce a murder suspect into a confession in violation of the Fifth and Fourteenth Amendment.
- 2. <u>U.S. v. Pace</u> (9th Circuit) 12/7/87
 a. A defendant's Sixth Amendment
 right to counsel attach when
 "adversary judicial proceedings"
 begin. The filing of a complaint
 and the issuance of a warrant do
 not constitute such proceedings.

- 3. Com v. A Juvenile (Supreme Judicial Court) 5/3/88
 - a. The interrogation of a juvenile by the assistant director of a home for troubled adolescents was custodial, and the juvenile was entitled to Miranca warnings under the described conditions.
- 4. Com v. Tynes (Supreme Judicial Court)
 7/6/87
 - a. An off duty police officer acting outside his jurisdiction did not act as an officer or agent or the government under the described conditions and no Miranda was required.
- 5. <u>U.S. v. Calisto</u> (3rd Circuit) 2/5/88
 a. A Police officer's remark regarding the possible arrest of the defendant's daughter was not interrogation under circumstances described.
- 6. Patterson v. Illinois (U.S. Supreme Court) 6/24/88
 - a. Post indictment questioning that produced incriminating statements were not violative of the Sixth Amendment under circumstances described.
- 7. Arizona v. Roberson (U.S. Supreme Court) 6/15/88
 - a. The Edward's Rule applies to police interrogation following a suspect's request for counsel even if the questioning involves a separate investigation.

- 8. Com v. Fonatine (Supreme Judicial Court) 6/8/88
 - a. A police officer's deliberate viewing a videotape containing incriminating statements made by the defendant during a discussion with his attorney under circumstances described, warranted a dismissal of charges.

. .

- 9. Com v. Callahan (Supreme Judicial Court) 2/8/88
 - a. When police arrive at a crime scene, they may ask "what happened" without a Miranda requirement.

V. IDENTIFICATION

- 1. Com v. Bonnover (Mass Appeals Court)
 - a. When identification by a witness is uncertain, police confirmation that the identification was correct is improper and will render a photographic identification and subsequent in Court identification inadmissible.

Training Bulletin 4-88

Bosion Police Academy

SGT Harold C. Prefontaine ...



Important Law Change Effective February 1, 1988

There has been a major law change affecting the following statutes:

Chapter 266:30 Simple Larceny

Chapter 266:37B Fraudulent Use of Credit Cards - Misdemeanor

Chapter 266:37C Fraudulent Use of Credit Cards - Felony

Chapter 266:60 Receiving Stolen Goods

Chapter 266:127 Willful and Malicious Destruction of Certain Property

As of February 1, 1988, each of these statutes has a change relative to the value of property. Where the statute now reads \$100, the value as of February 1, 1988, will be \$250.

At present, simple larceny of property valued over \$100 is a felony. As of February 1, 1988, in order for simple larceny to be a felony, the value of the property stolen will have to be over \$250.

After the change, simple larceny of property valued at \$250 even, or less, will be a misdemeanor (with an in presence statutory right of arrest found in Chapter 276 section 28).

Relative to the credit card statutes, the unlawful use of a credit card where the value of the money, goods or services are over \$250 would be a felony. Where they are \$250 even, or less, it would be a misdemeanor (with an in presence statutory right of arrest under) under Chapter 266 section 37B.

Relative to receiving stolen goods, if the value of the stolen goods knowingly received is over \$250 or if for a second or subsequent offense, it would be a felony. Where they are valued at \$250 even, or less, it would be a misdemeanor with no statutory right of arrest.

Relative to willful and malicious injury or destruction of personal property, dwelling or building of another, in any manner or by any means not particularly described in the chapter (Ch 266) if the value of the property so injured is over \$250, it would be a felony. If it is valued at \$250 even, or less, it would be a misdemeanor with no statutory right of arrest

Training Bulletin 6-88

Boston Police Academy

- Sergeant Harold C. Prefontaine --



Recruit Officer Status

This training bulletin is issued to familiarize department personnel with the status of police recruit officers.

Massachusetts General Law Chapter 41 section 96B states in part:

Every person who receives an appointment to a position on a permanent full-time basis in which he will exercise police powers in a municipal police department, the metropolitan district commission police, Massachusetts Bay Transportation Authority police, capital police or the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement, and any employee of the registry of motor vehicles who will exercise police powers shall prior to exercising any police powers, be assigned to and satisfactorily complete a prescribed course of study at a regional or municipal police training school, approved by the Massachusetts criminal justice training council, hereinafter referred to as the council. Any person so attending such a school shall be paid the wages provided for the position to which he was appointed and such reasonable expenses as may be determined by the appointing authority.

Because this statute is not well known, department personnel have been uninformed as to the status of recruit officers. Prior to this statute, we had all the powers and duties of police officers on the day we were sworn in. Today, recruits have no police powers until they successfully complete their academy training. Until that occurs they have the same rights to arrest as any other citizen, which is for a felony committed in presence, only.

Training Bulletin 9-88

Boston Police Academy

Sergeant Detective James A. Moore



SEARCH INCIDENT TO LAWFUL ARREST

One of the most commonly used warrantless searches is the search incident to a lawful arrest. Three questions should come to mind when discussing this type of search. When, Who and Where may an officer search?

When: When an officer develops probable cause to make an arrest, he has, at that moment, concurrent probable cause to search.

Who: An officer may always search every person whom he arrests.

Where: In addition to the prisoner an officer may also search the area under the prisoner's control. That area is sometimes referred to as the "lunging distance". This is any place to which a prisoner could lunge to get a weapon and/or evidence.

Massachusetts officers are more limited in conducting such a search because of M.G.L. c. 276, s.1. Under the provisions of this statute, officers may conduct a search incident to a lawful arrest to discover weapons, which could be used to avoid arrest or effect escape. They may also search for evidence of the crime for which the arrest was made. Thus, a person arrested for a simple assault and battery could only be searched for weapons, since there is usually no physical evidence which is associated with a simple assault and battery. Containers and places which could hold a weapon could also be searched, but such items incapable of containing a weapon could not be searched. In any event, locked items should not be opened when conducting a search incident to an arrest, because the prisoner could not obtain control of the contents.

Due to the strict construction of this part of the statute by the Supreme Judicial Court, this search must be conducted at a time when the prisoner is in a position to obtain a weapon and/or destroy evidence. Once a prisoner has been adequately secured or removed from the scene, a search under the "incident to arrest" exception to the warrant requirement can no longer be made.

If a prisoner has been handcuffed and placed in a cruiser or taken to the station, the room or vehicle in which he was arrested could not now be searched under this exception. To avoid this problem, the search of the area immediately around the prisoner should be made about the same time that other officers are securing the prisoner. Of course, if the officers have developed probable cause

that the vehicle contains seizable evidence, and the vehicle is on a public way, then the vehicle may be searched without a search warrant under the "motor vehicle exception".

To date the Supreme Judicial Court has not addressed the ninth paragraph of ch 276, s. 1, which reads:

"Nothing in this section shall be construed to abrogate, impair or limit powers of search and seizure granted under other provisions of the General Laws or under common law."

This provision appears to negate the strict construction given to the previous part of the section by the Supreme Judicial Court. In an appropriate case this provision should be brought to the attention of the prosecuting Assistant District Attorney in order that the issue may be addressed.

Reference:

Atty. James A. Moore, <u>Constitutional Law for Police Officers</u>; at 36-38; 43-44; and cases cited therein (1987)

Bosion Police Academy

Lieutenant Harold C. Prefontaine

FIREWORKS

According to chapter 148 section 39:

"Fireworks" shall include compositions, substances or other articles and shall also include blank cartridges or toy cannons in which explosives are used, the type of toy balloon which requires fire undermeath to propel the same, firecrackers, cherry bombs, silver salutes, M-80's, torpedoes, sky-rockets, Roman candles, sparklers, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

Simple Possession or Use of Fireworks:

Whoever shall have in his possession or under his control, or whoever shall use or explode or cause to explode any fireworks in violation of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Any officer qualified to serve criminal process shall seize all of the fireworks mentioned herein without a warrant, and the fireworks seized shall, upon conviction of such violation, be forfeited to the commonwealth.

Notice that this is a <u>non-arrestable</u> misdemeanor. An officer may seize the fireworks (since they are contraband) and later seek complaints. This does not mean that in <u>extreme</u> cases officers are precluded from using other charges such as disorderly or disturbing the peace.

Selling or Offering Fireworks for Sale:

Whoever shall sell or keep for sale or offer for sale any fireworks in violation of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year or both. Any officer qualified to serve criminal process may arrest without a warrant any person who shall sell or keep for sale or offer for sale any fireworks in violation of this section and any fireworks found in his possession or under his control upon conviction of such a violation shall be forfeited to the commonwealth.

Notice that the selling or offering or keeping for sale of fireworks is a misdemeanor with a statutory right of arrest (in presence).

Disposition of Seized Fireworks:

Notice of such seizure of the fireworks shall immediately be sent to the marshal by the officer making the seizure, and the fireworks seized shall be held and securely stored by that department until the marshal or his authorized representative takes them-into his possession for disposal.

The marshal that is referred to in the statute is the State Fire Marshal. Boston Police officers should notify our own Bomb Squad, who will take control of the fireworks and cause them to be transferred to the State Fire Marshal.

EXCEPTIONS:

The term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hard cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided, further, that this section shall not apply (1) to the sale of any fireworks to be shipped directly out of the commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons having obtained a permit for a supervised display of such fireworks from the marshal or some officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor vehicles or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use of blank cartidges for a duly licensed show or theater or for signal or ceremonial purposes in athletics or sports, or to the sale of special blank cartridges and their use in the proper operation of industrial tools and equipment only, (5) to experiments at a factory for explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the militia or any organization of war veterans or other organizations authorized by law to parade in public, a color guard armed with firearms, or (7) in teaching the use of firearms by experts, or (8) to the sale of shells for firearms, cartridges, gunpowder, and for the purpose of using, and their use, or in connection with the hunting of game or in target practice with firearms, or (9) to farmers and fruit growers who, having obtained a permit under section thirteen of chapter forty-eight, use firecrackers for the control of damage to their crops by birds.

Boston Police Academy

Sergeant Harold C: Prefontaine



FIREWORKS

According to Chapter 148 Section 39:

"Fireworks" shall include compositions, substances or other articles and shall also include blank cartridges or toy cannons in which explosives are used, the type of toy balloon which requires fire underneath to propel the same, firecrackers, cherry bombs, silver salutes, M-80's, torpedoes, skyrockets, Roman candles, sparklers, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance.

Simple Possession or Use of Fireworks:

Whoever shall have in his possession or under his control, or whoever shall use or explode or cause to explode any fireworks in violation of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Any officer qualified to serve criminal process shall seize all of the fireworks mentioned herein without a warrant, and the fireworks seized shall, upon conviction of such violation, be forfeited to the Commonwealth.

Notice that this is a non-arrestable misdemeanor. An officer may seize the fireworks (since they are contraband) and later seek complaints. This does not mean that in extreme cases officers are precluded from using other charges such as disorderly or disturbing the peace.

Selling or Offering Fireworks for Sale:

Whoever shall sell or keep for sale or offer for sale any fireworks in violation of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year or both. Any officer qualified to serve criminal process may arrest without a warrant any person who shall sell or keep for sale or offer for sale any fireworks in violation of this section and any fireworks found in his possession or under his control upon conviction of such a violation shall be forfeited to the Commonwealth.

Notice that the selling or offering or keeping for sale of fireworks is a misdemeanor with a statutory right of arrest (in presence).

Disposition of Seized Fireworks:

Notice of such seizure of the fireworks shall immediately be sent to the marshal by the officer making the seizure, and the fireworks seized shall be held and securely stored by that department until the marshal or his authorized representative takes them into his possession for disposal.

The marshal that is referred to in the statute is the State Fire Marshal. Boston Police officers should notify our own Bomb Squad, who will take control of the fireworks and cause them to be transferred to the State Fire Marshal.

EXCEPTIONS:

The term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided, further, that this section shall not apply (1) to the sale of any fireworks to be shipped directly out of the Commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons having obtained a permit for a supervised display of such fireworks from the marshal or some officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor vehicles or other transportaion agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use of blank cartridges for a duly licensed show or theater or for signal or ceremonial purposes in athletics or sports, or the sale of special blank cartridges and their use in the proper operation of industrial tools and equipment only, (5) to experiments at a factory for explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the militia or any organization of war veterans or other organizations authorized by law to parade in public, a color guard armed with firearms, or (7) in teaching the use of firearms by experts, or (8) to the sale of shells for firearms, cartridges, gunpowder, and for the purpose of using, and their use, or in connection with the hunting of game or in target practice with firearms, or (9) to farmers and fruit growers who, having obtained a permit under section thirteen of chapter forty-eight, use firecrackers for the control of damage to their crops by birds.

CRIMINAL/MOTOR VEHICLE LAW UPDATE

1

MOTOR VEHICLE LAW UPDATE

PURPOSE This section of the legal update program covers both legislative and case decisions changes to motor vehicle law. As with the "Criminal Procedure" section, each student is responsible for taking sufficient class notes to record the information provided. Also, the following is only a skeletal outline of the topics to be covered, and they may not appear in the actual order that they will be covered in class.

I. Chapter 90 - Increased Fines

- A. Ch. 90-1B
- B. Ch. 90-148
- C. Ch. 90-20
- D. Overweight fines
- E. . Speeding fines
- F. Civil minor motor vehicles violations

II. <u>Disabled Persons Protection Commissions</u>

- A. Definition
- B. Reporting requirements
- C. Who are mandated to report
- D. Investigation process
- E. Protective Services offered

III. Chapter 94C - Cocaine Trafficking

- A. Ch. 94C Sec. 32E
- B. Ch. 94C Sec. 32A

IV. Alcoholic Beverages: Purchases by Minors

- A. Procurring alcohol by false representation
- B. Prohibits attempts to purchase

V. Powers of Arrest for A & 3 in Domestic Abuse //

A. Ch. 209A Sec 6

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B. Ch. 265 Sec 13A

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- VI. <u>Malicious Destruction of Public</u> <u>Property</u>
 - A. Increased penalty
- VII. Crimes Against Property
 - A. Misdemeanor/felony threshold (Ch. 468)
- VIII. Crimes w/Child Victims; Statue of Limitations
 - A. Chapter 489
- IX. <u>Trespassing on Railroad Property</u>
 - A. Ch. 90 Sec 15 fines for not stopping at RR crossings
 - B. Railroad Police Officers allowed to issue citation and powers of arrest

Boston Police Academy

P.O. Joseph T. Devlin, Jr.

Chapter 90 Section 21 - Arrest Without Warrant

Any officer authorized to make arrests may arrest without a warrant:

I. Operating Without being Licensed

Any person who violates the provisions of the first paragraph of Chapter 90 section 10, Operation of Motor Vehicle Without License (in presence right of arrest only).

A person would be violating the provisions of Ch 90 sec 10, para 1, if he were either:

- a. under sixteen years of age,
- b. a resident of Massachusetts over 16 years of age but not licensed by the Registrar of the Commonwealth of Massachusetts,`
- c. a non-resident who is licensed under the laws of another state or country but who fails to have his license on his person or in the vehicle in some easily accessible place.
- 1. Resident Operators If a person claims to be licensed by the Registrar but cannot produce a Massachusetts driver's license, the officer is obligated to do a license check with the Registry of Motor Vehicles to confirm whether or not the violator is licensed. If the license check reveals that the violator is licensed, then there is no right of arrest without a warrant. The officer would merely issue the citation for the original violation plus an additional charge for failing to carry a driver's license in his possession while operating a motor vehicle, Ch 90 sec 11. You cannot arrest a resident operator for an ordinary moving violation if you can prove that the violator is a licensed operator.
- 2. Non-resident Operators A non-resident operator must carry his out of state driver's license either on his person or in some easily accessible place in the motor vehicle. An officer does not have to attempt a license check on a non-resident operator since the law gives you the power to arrest a non-resident if he operates a motor vehicle in your presence and fails to carry his license either on his person or in an easily accessible place in the motor vehicle.

II. L.I.A.R.S.

Chapter 90 section 21 also allows any officer who is authorized to make arrests, provided such officer is in uniform or conspicuously displaying his

badge of office, to arrest without a warrant any person, regardless of whether or not such person has in his possession a license to operate motor vehicles issued by the Registrar...

Leaving If such person upon any-way or place to which the public has a-right of access as invitees or licensees, operates a motor vehicle, and without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any person. This is an "in presence" right of arrest only. [Ch 90 sec 24, (2) (a)]

Influencewhoever upon any way or place to which the public has the right of access, or upon any way or in any place to which members of the public have access as invitees, or who the officer has probable cause to believe has or is operating a motor vehicle while under the influence of intoxicating liquor, marijuana or narcotic drugs, or depressant or stimulant substances, as defined in Ch 94C, section 1, or under the influence of the vapors of glue, carbon tetrachloride, acetone, ethylene, dichloride, toluene, chloroform, xylene or any combination thereof... Note that your right of arrest for operating under the influence is both an "in presence" and a "probable cause" right of arrest. [Ch 90 sec 24 (a) (1)]

<u>Authority</u> ...whoever uses a motor vehicle without authority knowing such use is unauthorized... Right of arrest is "in presence" only. [Ch 90 sec 24 (2) (a)]

Refuses ...or any person who, while operating or in charge of a motor vehicle, violates the provisions of Ch 90 sec 25, Refusal to Submit to Police Officer. Right of arrest is "in presence" only.

A person is violating Ch 90 sec 25 if he: //

- 1. Refuses to give his name and address or the name and address of the owner of the vehicle.
 - 2. Gives a false name or address.
- 3. Refuses or neglects to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment.

- 4. Refuses to produce his license to operate or certificate of registration on demand of a police officer. (Note: Failure to produce a license because he does not have it with him is not a refusal.)
- 5. Refuses to permit an officer to take the operator's license or certificate of registration in hand for the purpose of examination.
- 6. Refuses on demand of such officer to sign his name in the presence of such officer. (Note: Under Ch 90C sec 2, when you give a citation to a violator to sign, you are requesting that he sign—not demanding.)
- 7. On demand of a police officer or other person authorized by the Registrar, without a reasonable excuse, fails to deliver his license to operate or the certificate of registration of any motor vehicle operated or owned by him or the number plates furnished by the Registrar.
- 8. Refuses or neglects to produce his license when requested by a court or trial justice...

<u>Suspension</u> ...whoever upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees, operates a motor vehicle after his license or right to operate motor vehicles in this state has been suspended or revoked by the Registrar. Right of arrest is "in presence" only. (Ch 90 sec 23)

Chapter 90 Felonies

- 1. Ch 90 sec 24 (2) (a) Using without authority second offense. The suspect must have had a prior conviction, not just a prior arrest.
- 2. Ch 90 sec 24B Forgery, alteration, stolen or counterfeited registry documents or possession or uttering thereof, etc....
 - 3. Ch 90 sec 24G (a) Homicide by motor vehicle while both:
 - a. operating under the influence and
- b. operating recklessly or negligently so that the lives or safety of the public might be endangered.
- 4. Ch 90 sec 24L (1) Operating under the influence resulting in serious bodily injury.

Remember—in all felony cases you have a right of arrest without a warrant both:

- a. in presence, or
- b. on probable cause

FILE NO. ABSSOS

LAST ENTRY 08/03/88

NOTE: The following material has been prepared for the exclusive use of law enforcement personnel. Every effort has been made to accurately summerize the cases and statutes that are referred to. Nevertheless, a summary is no substitute for sound legal advice and whenever practical, I recommend that you consult with the appropriate District Attorney's office or the Attorney General's office before engaging in a search or seizure, interprogation or identification procedure. PLEASE POST.

Peter Agnes, Ur. Assistant Secretary of Public safety

NEW STATE AGENCY ESTABLISHED TO PROTECT DISABLED PERSON: FOLICE ARE MANDATED REFORTERS

The Disabled Persons Protection Commission (DPPC) was created by the Legislature to investigate and remedy instances of abuse of disabled adults. The Commission became fully operational in March, 1988 and is now actively engaged in fulfilling its statutory mandate.

DEFINITIONS

The DPPC statute is contained in Chapter 19C of the General Laws. The statute defines a disabled person as a person between the ages of 18 and 59, inclusive, who is mentally retarded or otherwise mentally or physically disabled AND as a result of the disability is wholly or partially dependent upon others to meet daily living needs.

Abuse is defined as serious physical or emotional injury which results from an act or omission.

A caretaker of a disabled person is defined as the person or agency responsible for a disabled person's health or welfare, whether in the same home, a relative's home, a foster home, or any day or residential setting.

REPORTING

Under the law, the Commission receives reports of suspected abuse of disabled adults. Certain individuals who, in their professional capacity have regular contact with disabled persons and therefore are more likely to be aware of abuse, are required to report to the Commission. The professions included in the list of those who are so-called mandated reporters are virtually the same as those who are required to report cases of suspected abuse of children and elderly persons — medical personnel, police officers, probation officers, dentists, teachers, social workers and psychologists, guidance counselors, and employees of private agencies providing services to disabled persons. Additionally, the statute adds to this list employees of the agencies within the Executive Office of Human Services. IF ANY OF THESE INDIVIDUALS

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FAIL TO MA-E SUCH A REPORT, THAT FERSON IS LIABLE FOR A FINE OF UP TO \$1,000. IN RETURN FOR THIS REDUIREMENT, HOWEVER, MANDATED REPORTERS ARE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY AS A RESULT OF MAKING A REPORT.

All other citizens are encouraged to report to the Commission and are also immune from liability if their report is made in good faith.

The Cammission receives reports during regular business hours at 727-6465 and also receives reports 24 hours per day through its hotline at 800-402-1228.

INVESTIGATION

Upon receiving a report, the Commission is required to refer it to the appropriate state agency for investigation. First, the Commission determines that nature of the alleged abusive situation. The nature of the case depends upon the disability of the allegedly abused person and the identity of the caretaker of that person. When a state agency is the caretaker of the disabled person, the referral must be made to that agency. The Commission then monitors the investigation. When the caretaker is not a state agency, the case is referred to the Department of Mental Retardation in the case of alleged victims who are mentally retarded, to the Department of Mental Health when the person is otherwise mentally disabled, or to the Massachusetts Rehabilitation Commission when the disabled person is physically disabled.

The Commission must also determine the urgency of the situation. When the case is an emergency, the Commission first acts to end the danger, regardless of the identity of the victim. Once that has occurred, the case is referred for investigation, unless the alleged victim is a child or person 60 years of age or older, in which event the matter is referred to the appropriate agency. When the victim is a disabled adult, an emergency report is referred to the proper agency as described above and within 24 hours that agency is required to complete an investigation and evaluation and, if necessary, provide protective services to the disabled person. When the case is not an emergency, the investigation, evaluation, and provision of protective services must be completed within 10 days. The Commission monitors all investigations and receives investigation and evaluation reports from the agency.

The Commission may also conduct its own investigation of the case, either in place of, concurrently/with, or after the state agency. Additionally, the Commission may conduct a formal investigation, which includes a hearing, to ascertain the scope of and remedy for an abusive situation.

When the Commission investigation involves a matter which is also the subject of a law enforcement investigation, the Commission may delay or defer its investigation. However, the Commission is REQUIRED in such a situation to monitor the law enforcement investigation.

PROTECTIVE SERVICES

The Commission insures, in cases where disabled persons

have been abused, that the victim necesives the necessary services to provide protection. These may include but are not limited to legal services, location of alternative housing, counseling, respite services, and social service case management. The competent disabled adult may, of course, decline services.

The Commission may, in cases where the disabled person does not have the capacity to consent to the provision of protective services, request that a court decide for the decision whether protective services should be provided. The court may appoint a guardian AD LITEM for the person or issue other protective orders.

The statute also provides a criminal penalty for persons who discharge, discipline, threaten, or discriminate against anyone who reports to or provides information regarding abuse of a disabled person to the Commission or agencies in the Executive Office of Human Services.

The Commission has staff consisting of nine persons, including three investigators and two protective service specialists. Its offices are located at 2 Boylston Street, Boston, MA 02116.

- END OF ALERT -

SECTION 2. Section 118 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The copies of the records of votes for presidential electors shall, in any event, within ten days after they have been transmitted to the state secretary, be examined by the governor and council, who shall thereafter declare, by proclamation, the names of the persons who have received at least one-fifth of the entire number of votes cast for electors, and the number of votes received by each such person.

SECTION 3. The provisions of this act shall take effect on January first, nineteen hundred and eighty-nine.

Approved June 23, 1988.

ALCOHOLIC BEVERAGES—PURCHASES BY MINORS

CHAPTER 85

AN ACT relative to the purchase of alcoholic beverages by minors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 34A of chapter 138 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "purchases", in lines 1 and 2, the words:— or attempts to purchase.

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· Approved June 23, 1988.

्रमीक्षेत्र <u>जिल्ला के उन्त</u> नाम दक्षिण करते हैं क्लाने की लेखिन कर है. जिल्ला के अपने की स्टेंग्स के जिल्ला के समान के स्टेंग्स कर है. SALES TAX—CIGARETTES

` CHAPTER 86

AN ACT imposing a sales tax on cigarettes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 6 of chapter 64H of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) Sales of tangible personal property includable in the measure of the excises levied under the provisions of chapters sixty-four A, sixty-four E, sixty-four F and one hundred and thirty-eight.

Approved June 23, 1988.

RECYCLED PAPER PRODUCTS—PURCHASES

CHAPTER 87

providing for the purchase of recycled products. AN ACT providing for the purchase of recycled products.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows: 172

FILE NO. ABSSOL

LAST ENTRY 01/27/88

E:PANSION OF POLICE ARREST POWERS UNDER ABUSE PREVENTION LAW

Effective immediately Chapter 761 of the Arts of 1987 has amended section 6 of G.L. c. 209A to permit the arrest of any person "whom the officer has probable cause to believe has committed an assault and battery" which involves domestic abuse, in violation of G.L. c. 265, section 18A. IN SUCH A CASE, EVEN IF THE OFFENSE CONSTITUTES A MISDEMEANOR, IT IS NOT NECESSARY THAT THE DOMESTIC ASSAULT AND BATTERY WAS COMMITTED IN THE OFFICER'S PRESENCE.

The new law means that the police have the following options, in terms of arrest powers, under G.L. c. 209A, section 6.

FIRST, the police may arrest any person whom they have probable cause to believe has committed a felony (section 6, subsection 4);

SECOND, the police may arrest any person whom they have probable cause to believe has committed an assault and battery "which involves abuse" (section 6, subsection 7);

THIRD, the police may arrest any person whom they have probable cause to believe has committed a misdemeanor by violating —(a) a Probate Court order to vacate or an order prohibiting the —restraint of another person's liberty under G.L. c. 208, section 340, or (b) an order by any court to refrain from abuse or to vacate the household under G.L. c. 209A, section 7 (section 6, subsection 6);

FOURTH, the police may arrest any person who has committed a misdemeanor in their presence "which involves abuse" (section 6, subsection 5);

It should be noted that section 6 of G.L. c. 209A is not a so-called mandatory arrest law, BUT IT DOES MANDATE A POLICE RESPONSE "IWHENEVER ANY LAW OFFICER HAS REASON TO BELIEVE THAT A FAMILY OR HOUSEHOLD MEMBER HAS BEEN ABUSED OR IS IN DANGER OF BEING ABUSED..." Whether or not the police officer makes an arrest, he or she must consider one or more of the other options,/namely, (1) remaining on the scene, (2) assisting the victim in obtaining medical treatment, and (3) giving such person immediate and adequate notice of his or her rights.

A great deal of research is being done on the effects of pro-arrest or mandatory arrest policies in domestic violence cases. There is evidence the early intervention by the police in domestic violence cases will diminish repeat calls and may save lives or prevent injuries. Many jurisdictions have reported dramatic reductions in the number of repeat domestic violence calls once such a policy has been instituted. The Battered Women's Working Group of the Governor's Statewide Anti-Crime Council is actively involved in this research and in promoting pro-arrest policies. For further information about the policy debate and the research, you may contact Rai Kowal, of the Committee on Criminal Justice, 727-1892.

Boston Police Academy

P.O. Gladys Gaines

DOMESTIC VIOLENCE

One of the most common, and yet unique calls an officer can receive is a call to respond to family trouble.

Officers must always act in a totally professional manner displaying tact, consideration and attentiveness towards all parties. At the same time, officers must be aware of the potential for violence, and thus restrict the physical movement of the parties, and be certain to control access to any weapons. The officers should take control of the situation, prevent further violence, and attempt to at least resolve the dispute. Officers should always inform the parties of their rights under M.G.L. c. 209A s6; this consists of also handing the parties a copy of their rights.

Special attention must also be given to the safety and welfare of any children present. As mandated reporters, officers who suspect child abuse, will report such information by filing a 51A form as it is cited under M.G.L. c. 119 in addition to the documented report of family trouble.

M.G.L. c. 209A s.1, has been amended by adding two categories of individuals who are now covered under the Abuse Prevention Act.

The definition of "family or household member" has been amended to read as follows:

"Family or Household Member"

Household Member

This term may be interpreted broadly to include a defendant who is at home only intermittetly, though often.

*Former Household Member

Person who resided in the home for an extended period of time or a person who spent time at the home intermittetly, though often.

EXAMPLE: Boyfriend or former boyfriend who resided in the home of the victim or spent time at that home, although for short periods of time, may be considered a former household member.

Spouse, former spouse of their minor children, blood relatives, OR

*Person who, though unrelated by blood or marriage, is the parent of the plaintiff's minor child

The defendant is the parent of the plaintiff's minor child(ren). There is no relationship through marriage or blood in this case (the defendant is the parent of a child born out of wedlock).

There is no need for the defendant to have lived in the same household as the plaintiff. He/She does not have to be a former household member.

NOTE: These two categories are the additive to the definition. M.G.L. C. 265, s26A-kidnapping of minor or incompetent by relative.

Because domestic violence has a potential for other ramifications, officers should be aware of this statute. There has been a documented increase in children kidnapped by their parents, especially in cases where there is a current divorce proceeding and/or a custody battle. Officers must be informed of all possible protective orders, which cite temporary or permanent custody of children under M.G.L. c. 208 or M.G.L. c. 209A.

II :

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Special attention must be given to the detail information in custody cases; special conditions, restrictions, etc...

DEPARTMENT POLICY REQUIRES ALL INCIDENTS OF DOMESTIC VIOLENCE TO BE REPORTED, AND AN INCIDENT REPORT MUST BE SUBMITTED.

Specific duties required by M.G.L. C. 209A have been outlined in special order 87-29.

1987 REGULAR SESSION

Ch. 415, § 2

SECTION 2.

Notwithstanding the provisions of section one, no member in the occupation or position classification of uniformed member of a paid fire department or uniformed member of a police department, or of the police force of the metropolitan district commission or of the police force of the Massachusetts Bay Transportation Authority, or the capitoi police, or member of the state police detectives appointed under section six of chapter twenty-two, or member of the uniformed branch of the registry of motor vehicles or department of fisheries and wildlife, as determined by the personnel administrator, or errectional officer, or permanent crash crewman, crash boatman, fire controlman, or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, shall continue in service beyond the last day of the month in which he attains the age of sixty-five unless the personnel administrator, after consultation with the secretary of the executive office of public safety, shall have determined by regulation that age is not a reasonably necessary bona fide occupational qualification for service in said occupations or position classifications. For the purpose of promulgating the regulations provided for in this act, the personnel administrator shall conduct a study, to be completed not later than one year from the effective date of this act, to determine whether age continues to be a reasonably necessary bona fide occupational qualification for service in said occupations or position classifications.

Upon completion of said study, the personnel administrator shall conduct a further study to determine whether age is a reasonably necessary bona fide occupational qualification for service in any other occupations or position classifications set forth in Group 2 or Group 4 of clause (g) of subdivision (2) of section three of chapter thirty-two of the General Laws.

Approved October 20, 1987.

MALICIOUS DESTRUCTION OF PUBLIC PROPERTY—RESTITUTION

CHAPTER 416

AN ACT requiring restitution for the malicious destruction of certain public property.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 94, as appearing in the 1986 Official Edition, and inserting in place thereof the following section: - -

Section 94.

Whoever wilfully, intentionally and without right breaks down, injures, removes or destroys a monument erected for the purpose of designating the boundaries of a town or of a tract or lot of land, or a tree which has been marked for that purpose. or so breaks down, injures, removes or destroys a milestone, mileboard or guideboard erected upon a public way or railroad, or wilfully, intentionally and without right defaces or alters the inscription on any such stone or board, or wilfully, intentionally and without right mars or defaces a building or signboard, or extinguishes a light or breaks, destroys or removes a lamp, lamp post, railing or post erected on a bridge, sidewalk, public way, court or passage, or wilfully, intentionally and without right defaces or otherwise injures, removes, interferes with or destroys any traffic regulating sign, light, signal, marking or device lawfully erected or placed under public authority on any public way, shall be punished by imprisonment for not more than six months or by a fine of not more than two

hundred dollars. Any person convicted under the provisions of this section shall, in addition to any imprisonment or fine, make restitution.

Approved October 20, 1987.

BOSTON LICENSING BOARD—SALARIES

CHAPTER 417 ...

AN ACT relative to the salaries of the members of the Boston licensing board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Chapter 291 of the acts of 1906 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 78 of the acts of 1983, and inserting in place thereof the following section:—

Section 2.

The annual salary of the chairman of said board shall be fifty-two thousand dollars and that of each of the other two members, fifty thousand dollars, and that of the secretary fifty thousand dollars. Such salaries shall be paid in monthly installments by the city of Boston.

SECTION 2.

This act shall take effect as of January first, nineteen hundred and eighty-seven. Approved October 20, 1987.

PERSONAL ACTIONS—STATUTE OF LIMITATIONS

CHAPTER 418

AN ACT relative to the statute of limitations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 4 of chapter 260 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Actions of contract or tort for malpractice, error or mistake against attorneys, certified public accountants and public accountants, actions for assault and battery, false imprisonment, slander, libel, actions against sheriffs, deputy sheriffs, constables or assignees in insolvency for the taking or conversion of personal property, actions of tort for injuries to the person against counties, cities and towns, and actions of contract or tort for malpractice, error or mistake against hairdressers, operators and shops registered under sections eighty-seven T to eighty-seven JJ, inclusive of chapter one hundred and twelve, actions of tort for bodily injuries or for death the payment of judgments in which is required to be secured by chapter ninety and also actions of tort for bodily injuries or for death or for damage to property against officers and employees of the commonwealth, of

or psychology, as to the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, deliberations or other actions of such committee or any members thereof.

(b) Documents, incident reports or records otherwise available from original sources shall not be immune from subpoena, discovery or use in any such judicial or administrative proceeding merely because they were presented to such committee in connection with its proceedings. Nor shall the proceedings, reports, findings and records of a medical peer review committee be immune from subpoena, discovery or use as evidence in any proceeding against a member of such committee to establish a cause of action pursuant to section eighty-five N of chapter two hundred and thirty-one; provided, however, that in no event shall the identity of any person furnishing information or opinions to the committee be disclosed without the permission of such person. Nor shall the provisions of this section apply to any investigation or administrative proceeding conducted by the boards of registration in medicine, social work or psychology.

Approved November 3, 1987.

CRIMES AGAINST PROPERTY—VALUE OF PROPERTY

CHAPTER 468

AN ACT further defining the crimes of larceny, malicious destruction of personal property, receiving stolen goods and fraudulent use of a credit card.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Paragraph (1) of section 30 of chapter 266 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 8 and 13, the words "one hundred" and inserting in place thereof, in each instance, the words:— two hundred and fifty.

SECTION 2.

Section 37B of said chapter 266, as so appearing, is hereby amended by striking cut, in lines 23, 27 and 28 and in lines 35 and 43, the words "one hundred" and inserting in place thereof, in each instance, the words:— two hundred and fifty.

SECTION 3.

Section 37C of said chapter 266, as so appearing, is hereby amended by striking cut, in lines 11, 16, 22 and 29, the words "one hundred" and inserting in place thereof, in each instance, the words:— two hundred and fifty.

SECTION 4.

Section 60 of said chapter 266, as so appearing, is hereby amended by striking cut, in lines 6 and 7 and in lines 10 and 11, the words "one hundred" and inserting in place thereof, in each instance, the words:— two hundred and fifty.

__SECTION 5.

Section 127 of said chapter 266. as so appearing, is hereby amended by striking out, in line 13, the words "one hundred" and inserting in place thereof the words:— two hundred and fifty.

Approved November 3, 1987.

PEABODY, CITY OF-SEWER BETTERMENT ABATEMENT

CHAPTER 487

AN ACT authorizing the City of Peabody to grant a certain betterment abatement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of chapter eighty of the General Laws or any other general or special law to the contrary, the city of Peabody is hereby authorized to grant to the Community Covenant Church in said city, an abatement of a sewer betterment assessment, imposed in nineteen hundred and seventy-five upon three parcels of land owned by said church.

Approved November 10, 1987.

ELECTIONS—REGISTRATION OF VOTERS

CHAPTER 488

AN ACT further regulating voter registration.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, cs follows:

Chapter 51 of the General Laws is hereby amended by striking out section 28, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:—

Section 28.

They shall hold a continuous session from nine o'clock ante meridian until ten o'clock in the evening on the last day for registration prescribed under section twenty-six, except that in towns having less than three hundred voters said session shall be sufficient if it includes the time from two to four o'clock in the afternoon and from seven to ten o'clock in the evening; provided, however, that they shall hold a continuous session from nine o'clock ante meridian until five o'clock in the afternoon on the Saturday preceding the last day for registration for all elections; provided, further, that if such Saturday is not more than two days before or after a legal holiday, such session shall be held on the second Saturday preceding the last day to register to vote.

Approved November 10, 1987.

CHILD VICTIM CRIMES—STATUTE OF LIMITATIONS

CHAPTER 489

AN ACT relative to the statute of limitations for prosecuting certain crimes involving child victims.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 277 of the General Laws is hereby amended by striking out section 63, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:—

Section 63.

An indictment for murder may be found at anytime after the death of the person alleged to have been murdered. An indictment for a crime set forth in sections seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-two A, twenty-three, twenty-four and twenty-four B of chapter two hundred and sixty-five or section seventeen of chapter two hundred and severty-two, or for conspiracy to commit such crime, or as accessory thereto, or any one or more of them may be found and filed within ten years of the date of commission of said crime. An indictment for any other crime shall be found and filed within six years after such crime has been committed; but any period during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limited.

Notwithstanding the foregoing provisions, if a victim of a crime set forth in section thirteen B, thirteen F, thirteen H. twenty-two, twenty-two A, twenty-three, twenty-four B, or twenty-six A of chapter two hundred and sixty-five, or section one, two, three, four, four A, four B, five, six, sever. eight, twelve, thirteen, seventeen, twenty-six, twentyeight, twenty-nine A, twenty-nine B, thirty-three, thirty-four, thirty-five or thirty-five A of chapter two hundred and sevent: two is under the age of sixteen at the time such crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of sixteen or the violation is reported to a law enforcement agency, whichever occurs earlier.

Approved November 10, 1987.

AN ACT improving the collection of child support in the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately improve the collection of child support in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Sencte and House of Representatives in General Court assembled, and by the authority of the same, as follows: Decree and the second of the second

Chapter 14 of the General Laws is hereby amended by striking out section 1, as appearing in the 1986 Official Edition, and inserting in place thereof the following two sections:-

Section 1.

There shall be a department of revenue, in this chapter called the department, consisting of a division of administration, a division of audit, a division of processing, a division of operations and a division of local services, including within the said division of local services a bureau of local assessment, and a bureau of accounts to be headed by a director of accounts; and such other administrative units as may be established in or assigned to said department from time to time by the secretary of administration. Each division shall be headed by a deputy commissioner and the bureau of accounts shall be headed by a director. Each deputy commissioner, each chief of bureau and the director of the bureau of accounts shall be appointed by the commissioner with the approval of said secretary, and may be removed in like manner; each shall be a person of ability and experience, and shall devote his entire time to the duties of his office; provided, however, that the positions as deputy commissioners, chiefs of bureaus and director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

treatment of alcoholism or substance abuse and shall make it available to the district courts of the commonwealth on a monthly basis.

Nothing in this section shall preclude any public or private facility for the care and treatment of alcoholism or substance abuse, including the separated facilities at the Massachusetts correctional institutions at Bridgewater and Framingham, from treating persons on a voluntary basis.

Approved November 17, 1987.

RAILROAD PROPERTY—TRESPASS—PENALTIES

CHAPTER 501

AN ACT relative to trespass on railroad property.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

Section 15 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than two hundred dollars.

Section 93 of chapter 159 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:— Railroad police officers shall have authority to issue citations for violations of section two hundred and eighteen of charter one hundred and sixty. Said citations shall have the same force and effect as citations issued pursuant to sections two, three, five, seven, nine and ten of chapter ninety.

SECTION 3.

Chapter 160 of the General Laws is hereby amended by striking out section 218, as so appearing, and inserting in place thereof the following section: 218.

Section 218.

Whoever knowingly, without right is present, stands, or walks, or rides a bicycle, snow vehicle, recreational or other vehicle on the right-of-way, bridge, or other property of, or used or controlled by any railroad corporation, except at a highway or other authorized grade crossing, shall be fined one hundred dollars. Any person violating this section may be arrested without a warrant by any police officer, including railroad police, and proceeded against according to law.

SECTION 4.

Said chapter 160 is hereby further amended by striking out section 220, as so appearing, and inserting in place thereof the following section:-

Whoever, without right rides or attempts to ride upon a locomotive engine, tender, freight car, caboose, other conveyance or passenger train upon a railmad or upon the trains of the Massachusetts Bay Transportation Authority commuter rall other than as a fare paying passenger, or employee, shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than six months. A sheriff, deputy sheriff, constable, police officer, railroad police officer, or officer appointed with the powers of a

railroad police officer, upon view of such offense, may, without a warrant, arrest the offender and make complaint against him therefor.

This section shall not apply to railroad employees while in the discharge of their duties. Approved November 17, 1987.

COMMON TRUST FUNDS—FILING—APPLICATION FOR ALLOWANCE

CHAPTER 502

AN ACT relative to common trust funds.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 203A of the General Laws is hereby amended by striking out section 3, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 3.

An account of the administration of each common trust fund and a copy of the annual financial report of the fund shall be filed annually in the registry of probate in which the declaration of trust has been filed. A fiduciary may file an application for allowance of any such account, but shall not be required to file such application unless ordered by said probate court on motion of any interested party to such account or on motion of the court. Application for allowance of any such account shall be made in accordance with section twenty-four of chapter two hundred and six. The allowance of any such account shall be conclusive as to all matters shown therein upon all persons then or thereafter interested in the funds invested in said common trust fund.

Approved November 17, 1987.

CHAPTER 503

AN ACT authorizing the Town of East Longmeadow to borrow money for the purchase of a fire ladder truck.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of section seven of chapter forty-four of the General Laws, the town of East Longmeadow for the purpose of purchasing a fire engine aerial ladder truck is hereby authorized to borrow a sum not to exceed three hundred and fifty-seven thousand eight hundred and fifty-five dollars which shall be payable within ten

Approved November 17, 1987.

The second second

OUI ENFORCEMENT

PURPOSE To help police officers become more skillful at Detection and Description of a DWI offender. If the training suceeds, those officers will make more DWI arrests and their arrests more often will lead to conviction. And, more arrests and convictions will lead to greater deterence, and in turn to less impaired driving and fewer crashes, deaths and injuries.

I. Introduction

- A. The problem
- B. The solution

II. OUI Detection

A. What to look for

III. Note Taking

IV. Phase I

A. Vehicle In Motion

V. Phase II

- A. Personal Contact
- B. How to conduct Field Sobriety tests

VI. Phase III

A. Arrest/No Arrest decision

VII. Courtroom Testimony

VIII.Law Update

IX. Prisoner's Rights

DWI DETECTION GUIDE

| Turning with Wide Radius 65% |
|---|
| Straddling Center or Lane Marker65% |
| Appearing to Be Drunk 60% |
| Almost Striking Object or Vehicle60% |
| Weaving60% |
| Driving on Other Than Designated |
| Roadway55% |
| Swerving55% |
| Slow Speed (More Than 10 MPH |
| Below Limit)50% |
| Stopping (Without Cause) in |
| Traffic Lane50% |
| Following Too Closely50% |
| Drifting50% |
| Tires on Center of Lane Marker45% |
| Braking Erratically45% |
| Driving into Opposing Traffic or |
| Crossing Traffic45% |
| Signailing inconsistent with |
| Driving Actions40% |
| Slow Response to Traffic Signals40% |
| Stopping inappropriately35% |
| Turning Abruptly or illegally35% |
| Accelerating or Decelerating Rapidly30% |
| Headlights Off /30% |

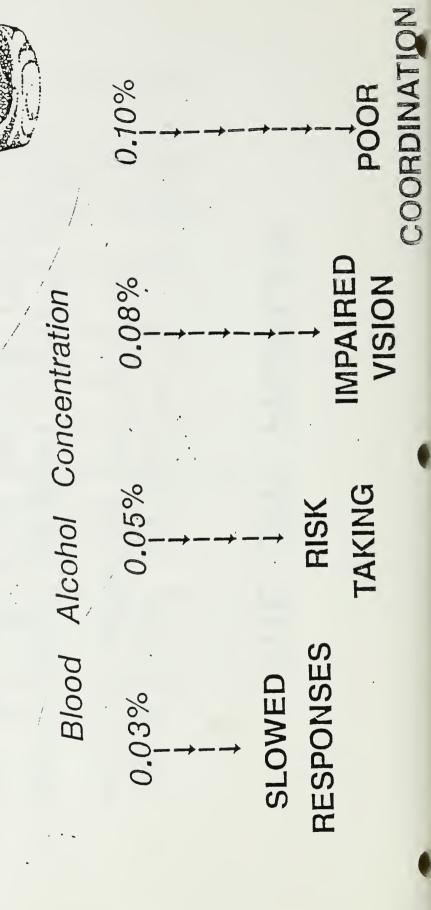
THE DWI PROBLEM

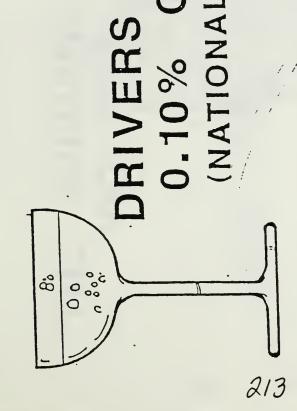
ABOUT HALF OF ALL FATAL CRASHES INVOLVE DRINKING DRIVERS

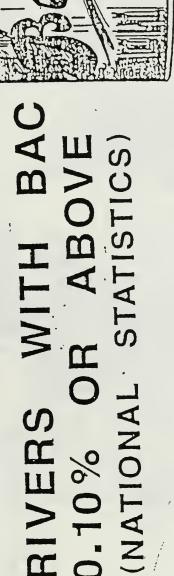
MOST DEAD DRINKING DRIVERS WERE DWI AT THE TIME OF THE CRASH 米

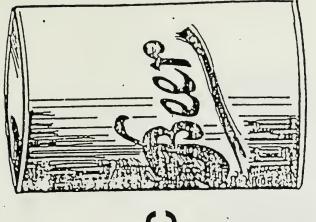
ALCOHOL-RELATED CRASHES ARE NINE TIMES MORE LIKELY TO RESULT IN DEATH 米

COMMON SYMPTOMS OF ALCOHOL INFLUENCE









1% OR LESS

DAYTIME

ABOUT 5%

10% OR MORE

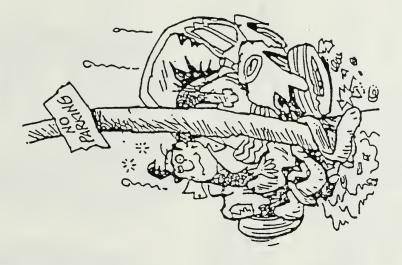


On typical Friday and Saturday nights



one out of seven drivers leaving bars is DWI!

THE AVERAGE DWI VIOLATOR....



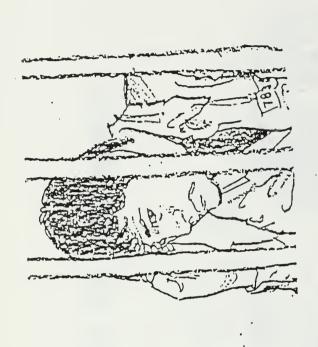
DRIVES WHILE INTOXICATED

80 TIMES EACH YEAR

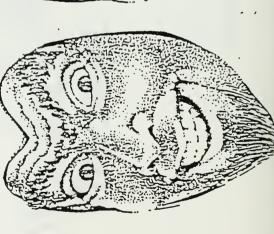


FIVE NIGHTS) (I.E. ONCE EVERY FOUR OR

DWI VIOLATOR ARRESTED ... FOR EVERY



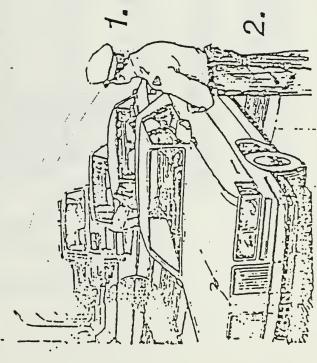
THREE OTHERS ARE CONTACTED FACE-TO-FACE, BUT RELEASED WITHOUT ARREST



ASK ONE

OPERATION INITIAL OBSERVATION OF VEHICLE

ability to: Requires the



- ALCOHOL I DRUG INFLUENCE RECOGNIZE EVIDENCE OF
- CLEARLY AND CONVNCINGLY DESCRIBE THAT EVIDENCE

AFTER THE STOP COMMAND

WHAT DO YOU SEE ?

TRIES TO FLEE?

NO RESPONSE?

SLOW RESPONSE?

ABRUPT WEAVE?

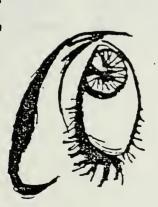
SUDDEN STOP?

STRIKES CURB?

NEW VIOLATIONS?

MYTHING ELSE?

PERSONAL CONTACT



WHAT DO YOU SEE?

ALCOHOL CONTAINERS? FUMBLING FINGERS? UNUSUAL ACTIONS ? SOILED CLOTHING? BLOODSHOT EYES?

BRUISES, BUMPS, SCRATCHES?

い出る一世のところと

PERSONAL CONTACT



WHAT DO YOU HEAR?

SLURRED SPEECH ?

ADMISSION OF DRINKING ?

INCONSISTENT RESPONSES?

UNUSUAL STATEMENTS ?

ABUSIVE LANGUAGE ?

ANYTHING FLSE 2

PERSONAL CONTACT

WHAT DO YOU SMELL ?

ALCOHOLIC BEVERAGE ?

"COVER-UP" ODORS ?

OTHER UNUSUAL ODORS ?

ANYTHING ELSE?

INTERVIEW / QUESTIONING **TECHNIQUES**

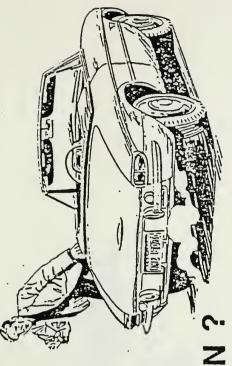
SIMULTANEOUSLY REQUEST LICENSE AND REGISTRATION

QUESTIONS DURING LICENSE SEARCH POSE DISTRACTING / INTERRUPTING

POSE UNUSUAL QUESTIONS TO VERIFY LICENSE INFORMATION

THE EXIT

WHAT DO YOU SEE ?



ANGRY, UNUSUAL REACTION ?

CAN'T FOLLOW INSTRUCTIONS?

CAN'T OPEN DOOR ?

LEAVES CAR IN GEAR?

"CLIMBS" OUT OF CAR?

LEANS AGAINST CAR?

KEEPS HAND ON CAR?

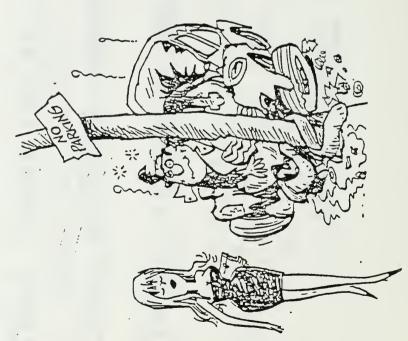
ANYTHING ELSE?

"DIVIDED ATTENTION"

... CONCENTRATING ON

MORE THAN ONE THI

AT A TIME



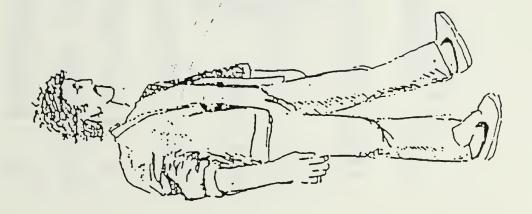
PSYCHOPHYSICAL TESTS

METHODS OF DIRECTLY

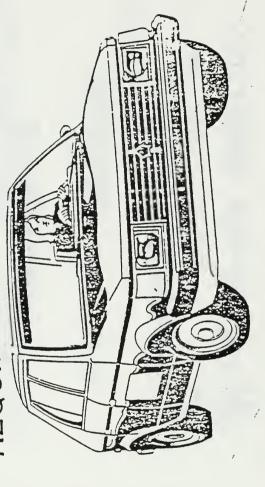
EXAMINING MENTAL

and / or PHYSICAL

IMPAIRMENT



TYPICAL SIMULTANEOUS CAPABILITIES REQUIRED FOR DRIVING



* information processing

* short - term memory

* judgment / decision making

* balance

* quick reactions & Lee, To see

* clear vision

* small - muscle control

SIMPLICITY

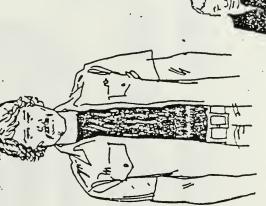
REASONABLE TO ASSUME THAT, IF SOBER

THIS SUSPECT

ANYONE LIKE THE SUSPECT

JURORS JUDGE 工品 出工







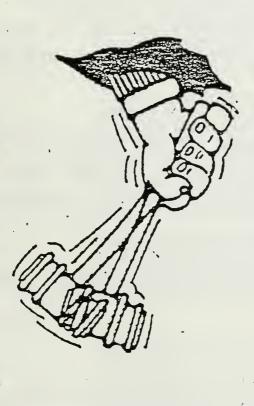
KEY FEATURES OF IMPLIED CONSENT

Any person who operates a motor vehicle upon the public highways of this state ... ×

shall be deemed to have given consent to submit to a chemical test ... for the purpose of determining the alcohol and/ or drug content of the blood

the influence of alcohol and/ or any drug. physical control of a vehicle while under committed while operating or in actual when arrested for any acts allegedly

ILLEGAL "PER SE" STATUTE



It is unlawful for any person to

- operate or be in actual physical control of ...
- any vehicle ...
- within this state ...
- while having a BAC of 0.10% or more.

I. You Can't Win

- A. The Machine is perfect.
- B. The defendant is guilty anyway.
- C. There is nothing that you can do any way
- D. With the Implied Consent the way it is, why try?
- E. Therefore, I am entitled to commit malpractice!

II. You Can Win!

- A. The Machine Is far from perfect
- B. He is guilty anyway--Do you belong in the business
- C. Can't do anything, do what I do when I hear "taxes"
- D. License Hearings, Implied Consent, defense lawyers dream
 - E. FUN instead of malpractice
- III. Cross Examination of Arresting Officer, Laying the Foundation

A. Investigation

- 1. Your client
 - a) 4 or 5 drinks is the most you can get to jury

 Even with four or five drinks many jurors, especially slightly built jurors, will believe that a person is drunk at this level.

 Therefore probably better to pick heavy jurors in the first place.
 - b) expert will help over this problem

An expert can testify that a person burns off about a drink an hour (150 pound person, average drink). Therefore if your client admitted drinking 5 drinks an expert can explain that this alcohol is mainly burned off.

c) explain that "under influence" is test not "drunkenness"

Do not allow the prosecutor to use the weapon of we only have to prove "under the influence" not "drunkenness". This problem can be overcome by preparing your client and the juror to look for this concept early on.

2. Officers Report

- a) look at all "times"
- b) list them
- c) usually the twenty minute waiting period is not there

 Most testing forms requires that the driver be under observation
 for 15 to 20 minutes. This observation period should be direct
 and continuous. Unfortunately this is rarely done. This provides
 the defense with an opportunity to impeach the test.
- d) usually officer was busy during this period

Even when the officer claims to have done a proper observations period, the officer will not recall what happened during the observation period. He will say he simply sat there, but this is so boring that is it is doubtful.

e) don't ask the officer: "Did you observe the driver", he will always say "yes".

Pin the officer down first as to all his activities. Then find out the purpose of those activities. Them come back to the observation period. The officers must be sequestered for this to work.

- 3. Other Reports of same officers
 - a) will show a pattern
 - b) will show similar language
- 4. Look at the Scene
 - a) Officer will normally make some mistake as to area
 - b) will have side walks in wrong places
 - c) get a photograph even if a cheap one
- 5. From the Crime Lab

- a) state freedom of information acts
- b) subpoena power
- c) everything to do with the instrument
 - (1) maintenance records
 - (2) look at the machine
 - (3) repair records
 - (4) evaluations of the machine

B. The Importance of Time

- 1. The Twenty Minute Waiting Period--mouth alcohol
- a) alcohol from the stomach may be 1,000,000 times stronger that alcohol on the breath
- b) Therefore small amount of alcohol from stomach will have large impact
 - 2. Time--dispatcher has record
 - a) nearly all stops are called in by arresting officer
 - -3. Automated testing has time record
 - a) intoxilyzer has print out of times
 - 4. Forms Have Time
 - a) implied consent form has times
 - b) police reports have times
 - c) video tapes have times

C. Field Evidence

- 1. Get officer to divide his information in half
 - a) before probable cause
 - (1) has not given Miranda
 - (2) does not want to seem hasty
 - (3) everything before that time was not sufficient to

arrest

- b) After probable cause
 - (1) officer has already made up his mind

THE SCIENCE OF DRUNK DRIVING

- (2) officer has predisposition to look for something
- 2. Blood Shot Eyes
 - a) contact lenses
 - h) tired eves
 - c) hay fever
 - d) all eyes have red in them
 - e) All eyes vary with redness
 - (1) eyes are more red when tired
 - (2) no unusual to be tired at 2:00 A.M.
- 3. Odor of Alcohol
 - a) sign of recent drinking
 - b) alcohol does not have an odor
 - c) Odor not a reliable test of whether a person is under

influence

- 4. Fumbled with wallet
 - a) look at prior reports of officer
 - b) nervous speeders fumble with wallets
- 5. Stumbled when he got out of car
 - a) have you sat in theater for a period of time?
 - (1) legs get tired and lose blood flow when sitting for

long period

- b) car seat was low
 - (1) Sports car difficult to get out of
- c) why no stumbling after first few minutes
 - (1) no mention of stumbling at the police station
 - (2) no mention after first few minutes
- d) The problems with no frame of reference i.e. dark out.
- 6. Finger to nose test
 - a) don't ask officer to perform he will
 - b) suggest to jury that they do

THE SCIENCE OF DRUNK DRIVING

- (1) try to be as nervous as defendant
- (2) believe that you freedom is on the line
- (3) be tired
- (4) have cars coming by
- (5) have poor lighting
- (6) strobe effect

IV. Some more fun, A Recent Case

- A. passed out in middle of road
- B. car running
- C. two in the morning
- D. tried to bribe officer
- E. .28 reading
- F. messed his pants

V. Having Fun, The Tools you Need

- A. Basic Trials Skills, Use Implied Consent
- B. Learn the Science
- C. Can't be done overnight
- D. Use an Expert the first few Times

VI. Digging the Hole

- A. Machine is not specific for alcohol
- B. Measures Methyl Stretch Not Ethanol (alcohol)
- C. Thousands of Compounds absorb at 3.48 Microns
- D. Normal Human Has many compounds on breath.
- E. ABNORMAL HUMAN may have even more

VII. Keeping them in the Hole

- A. Journal of Chromatographic Science 15:239 (1977)
- B. Clinical Chemistry Vol 32, No. 6 1986
- C. The Operator's Manual
- D. The Patent
- E. Journal of Analytic Toxicology Vol 10. June 1986

THE SCIENCE OF DRUNK DRIVING

SELECTED ALCOHOL ARTICLES

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